

# Jefferson County Commission

## Employee Administrative Rules & Regulations

### Telework Rule



<b>Rule Number:</b>	<b>5.1.21</b>
Date Established:	9/03/2020
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Date of Current Revision:	N/A

#### **1.0 PURPOSE**

The purpose of this Rule is to define the teleworking program (also known as telecommuting) and the guidelines and rules under which it will operate. The Rule is designed to help managers and employees understand the teleworking environment and their associated responsibilities. The telework Rule and its accompanying guidelines provide a general framework for Jefferson County Commission (hereafter ‘the County’) employees with whom the County arranges and approves telework. It does not attempt to address the special conditions and needs of all County employees or departments.

#### **2.0 SCOPE OF RULE**

This Rule applies to all teleworking activities of the Jefferson County Commission. All managers, supervisors and teleworkers should be familiar with the contents of this Rule and its supporting guidelines. The County allows teleworking where there are tangible benefits to the County.

#### **3.0 DEFINITIONS**

**Eligible Position:** A position having measurable or qualitative results-oriented standards of performance that is structured to be performed independently of others, with minimal need for support and which can be scheduled at least one day a pay period to participate in teleworking without impacting service quality or organizational operations. The eligibility of a position may change depending on circumstances.

**Eligible Employee:** An employee, in an eligible position, who has been identified by the employee’s supervisor as satisfactorily meeting performance standards, terms and conditions of employment of their position and has completed all HR and departmental mandatory training. The employee shall have no active formal disciplinary actions on file for the current or immediately preceding review period.

**Primary Workplace:** The teleworker’s usual and customary workplace.

**Alternate Workplace:** A workplace other than the employee’s usual and customary workplace (primary workplace) which may include the employee’s home.

**Teleworker:** An employee, who for at least one or more days in a particular pay period works at home, or an alternate workplace, to produce an agreed upon work product. An employee who travels continuously and whose work location is his or her home is included in this definition.

**Regular Teleworker:** An employee, who with the approval of his or her supervisor and department head, is scheduled to telework on the same day or days every week on a consistent basis.

**Occasional Teleworker:** An employee who, with the approval of his or her supervisor, teleworks on an infrequent basis.

**Teleworking Agreement:** The signed document that outlines the understanding between the County and the employee regarding the teleworking arrangement.

#### **4.0 COUNTY PARTICIPATION**

Telework may not be suitable for all employees and/or positions. Departments may implement teleworking as a work option for certain eligible employees based on specific criteria and procedures consistently applied throughout the department. County Departments can implement the County teleworking rule by outlining specific administration of it by:

1. Establishing expectations for employee performance and monitoring of such;
2. Identifying eligible employees;
3. Identifying eligible positions suitable for teleworking;
4. Determining if office-like space is required;
5. Determining if County equipment will be provided to the employee to use at home;
6. Establishing how the teleworker will maintain regular contact with customers, office, coworkers and their supervisor;
7. Determining how the department will handle restricted access materials, security issues and taking electronic or paper records from the primary workplace;
8. Ensuring that practices are consistent with the County Telework Rule and law; and
9. Ensuring that individual work schedules and reporting for non-exempt employees are in compliance with FLSA regulations and County Rules & Regulations.

County departments shall also require a teleworking agreement. The teleworker agreement documents the mandatory policies in effect and the results of any other agreements between the department head and the teleworker. The agreement, containing the terms and conditions of teleworking, must be signed by both parties prior to the start of teleworking. The agreement must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program indicate continued eligibility and are well understood. A supervisor may elect to revise the agreement when a need arises. In addition, the teleworking agreement must be reviewed and revised if necessary when there is a change in supervisor, department head, job responsibilities, work circumstances or performance.

The agreement shall cover topics including but not limited to the following:

- Employee performance expectations and monitoring;

- Liability and workers compensation – employee and employer understand who is liable and for what;
- Safety – the employee must self-certify that the alternate workplace is safe and conducive to work (**see sample in Attachment C**);
- Equipment – Responsibility and use of personal and County equipment at home and inventory of County equipment used outside the primary workplace;
- Security – Taking records away from the office, accessing the County’s computer systems, and accessing information over the internet (see Section 11 of this Rule);
- Work schedule – When and where the employee will telework and procedures for overtime and leave approvals;
- Accessibility – how the employee will keep in communication with clients, coworkers, supervisors and those the employee may supervise while teleworking;
- Trial Period - A draft teleworking agreement will be prepared and signed by all parties, and a three-month trial period will commence. Evaluation of teleworker performance during the trial period will include regular interaction by phone and e-mail between the employee and the manager to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of teleworker performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance. An appropriate level of communication between the teleworker and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and teleworker will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved; and
- Expectations of the supervisor and employee – terminating the agreement, reimbursement of expenses, and standards of conduct. The agreement must have a place where the employee acknowledges that he or she has read and agreed to the terms of the Rule and items listed in the agreement. Any employee who teleworks must sign a Telework Agreement and complete any teleworking training. An example of an agreement is included in **Attachment A**.

## **5.0 EMPLOYEE PARTICIPATION**

Offering the opportunity to work at home or another alternate workplace is a management option and is not an employee right. An employee’s participation in the teleworking program is entirely voluntary. The employee, supervisor, or department head may terminate teleworking without cause. Teleworking is a work arrangement between an individual employee and his or her supervisor and Department Head.

The teleworkers’ conditions of employment remain the same as for non-teleworking employees. Employee salary, benefits and employer sponsored insurance coverage will not change as a result of teleworking. The employee shall adhere to all County policies, rules and regulations while teleworking.

The employee agrees not to conduct personal business while on official duty status at the alternate workplace.

*Self-Assessment:* A successful teleworker has particular traits, a job suitable for telework and a telework site that is conducive to work. A self-assessment helps an employee interested in teleworking decide whether telework is right for him or her. The employee should provide a self-assessment as part of the application to telework (**see Self-Assessment – Attachment B**).

*Workspace Self-Certification:* As a condition of permission to telework, the employee must verify that home facilities used for teleworking purposes are safe and suitable for purposes of the employee's work. The department may deny any employee the opportunity to telework if the alternate worksite is not conducive to productive work. The department should provide the employee a self-certification checklist, as part of the application to telework. The checklist is necessary to reduce the County's exposure to risk and liability and helps the employee know if his or her alternate workplace is conducive to productive work. A sample checklist is included in **Attachment C**.

## **6.0 WORKSPACE AND WORK HOURS**

A defined workspace and defined work are necessary 1) to reduce the County's exposure to risk 2) to facilitate proper management of teleworkers and, 3) to ensure work is done in a productive environment.

*Workspace:* The teleworker shall designate a specific workspace at the telework location and will conduct work from that location and not from another unapproved site. The employee shall maintain a clean, safe workspace that is adequate for work and free of obstructions and distractions.

*Work Hours:* Each employee that teleworks shall follow their current, regular work schedule unless employee and supervisor both agree in advance to any changes to the employee's work schedule (**see Attachment A**). Employees subject to mandatory overtime must obtain approval from their supervisor before performing overtime. A non-exempt employee working overtime without such approval may cause the County to terminate the teleworking option and/or take other appropriate disciplinary action. The employee must obtain approval in advance from his or her supervisor before taking leave during a designated telework day.

The employee must maintain contact with the office as specified in the work schedule, department policy and telework agreement.

An employee's personal activities must be outside the time of work or outside the place designated for work.

## **7.0 EQUIPMENT AND SUPPLIES**

*General:* Office supplies (e.g. pens and paper) shall be provided by the County and should be obtained during the teleworker's in-office work period. The employee is expected to use his or her own furniture, telephone lines, and other equipment (except for any equipment provided by the County). Any use of private facilities of the employee will be at the employee's discretion and not at the behest or expense of the County. This applies to all physical improvements and conveniences as well as services.

*Assignment of Portable Equipment on a Temporary Basis:* Departments may give written permission for certain equipment, for example computers and cell phones, to be checked out and used at the alternate worksite.

## **8.0 SECURITY AND ACCESS TO INFORMATION**

The teleworker is responsible for maintaining confidentiality and security at the alternate workplace, as the teleworker would at the primary workplace. The employee must protect the security and integrity of data, information, paper files and access to county computer systems. Jefferson County Commission's Technology Policies apply to teleworking, as they would in the primary workplace.

## **9.0 EXPENSES AND COMPENSABLE TIME**

An employee may work from his or her home or another alternate work site that has been approved by the County. Work-related long-distance phone calls should be planned for in-office days. The teleworker is responsible for the cost of Internet, maintenance, repair and operation of personal equipment not provided by the County.

## **10.0 LIABILITY**

The employee's home workspace is an extension of the department workspace only when used performing official work duties. Employees may therefore be covered for worker's compensation if they are injured while performing work on behalf of the employer in the employee's home workspace during teleworking hours.

If an injury occurs during teleworking hours, the employee shall immediately report the injury to the supervisor. The employee and supervisor must follow the County's policies regarding the reporting of injuries for employees injured while at work. Fraudulent reporting of workers compensation claims is a crime. The employee agrees to fully cooperate with any such work investigation to include inspection of the site upon reasonable notice during the employee's agreed upon teleworking hours.

Jefferson County Commission is not responsible for any injuries to family members, visitors and other third parties in the employee's home workspace. The teleworker may not have business guests at the alternate workplace or any other location except the County's offices. The County will not be responsible for any loss or damage to the teleworker's real property, including any structures attached thereto; any personal property owned by the teleworker, or any of the teleworker's family members.

Employee also agrees that Jefferson County is not liable for any claims, injuries or damages that Employee incurs while teleworking (except legitimate and accepted injuries covered by applicable workers' compensation law.

Individual tax implications, auto and homeowner's insurance and incidental residential utility costs are the responsibility of the teleworker.

## **11.0 CHILD AND DEPENDENT CARE**

Telework is not a substitute for childcare or dependent care. The teleworker shall continue to make arrangements for child or dependent care to the same extent as if the teleworker was working in the primary workplace.

## **12.0 RENEWAL OF TELEWORK AGREEMENTS**

The teleworker agreement must be discussed and renewed at least annually, whenever there is a major job change (such as a promotion), or whenever the teleworker or supervisor changes positions. Because teleworking was selected as a feasible work option based on a combination of job characteristics, employee characteristics, and supervisor characteristics, a change in any one of these elements may require a review of the teleworking arrangement.

## **13.0 REPORTING**

Each department head is responsible for submitting a monthly report to the County Manager indicating the number of employees approved to telework.

## **14.0 EXCEPTION(S) TO THE RULE**

In individual extenuating circumstances, the department head, at his or her discretion, may grant an employee an exception to this Rule if (1) the supervisor recommends an exception, (2) the quality and quantity of the employee's work does not decline, and (3) if the exception will not cause a disruption to the productivity and work flow of the department.

Exceptions to this Rule may also be made by the County Manager, in consultation with the President of the County Commission, in the event of a community emergency that is severe enough to warrant closure of some or all County offices and suspension of business services to the public. The County Manager's response plan will provide the structure necessary to ensure the safety of County employees and the continuity of Jefferson County services.

Jefferson County will establish procedures which detail how employees should proceed during such an emergency situation. In such an event, teleworking may be implemented by the County Manager on short notice without fulfilling all of the aforementioned requirements or finalization of the telework agreements laid out in this Rule. Employees should reach out to their supervisor regarding work from home requirements and procedures in such an event. Under such temporary events, an employee may be required to report to his/her primary workplace one or more days per week.