

County of Santa Clara

TELEWORKING PROGRAM HANDBOOK FOR CEMA AND IFPTE, LOCAL 21, REPRESENTED CLASSIFICATIONS INCLUDING POLICIES AND PROCEDURES

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Implementation

This policy is implemented as of _____.

This policy/program may not be modified without prior review and express approval from the Office of Labor Relations.

If the telework policy does not address a Department's specific need, the Department may contact the Office of Labor Relations to evaluate a possible addendum to the Policy.

Glossary

Definitions for terms used in this document include:

- *County work site*: The County work location normally occupied when not teleworking.
- *Designated teleworking space*: The remote work area that the employee will use during teleworking.
- *Web Based Access (WBA)* - provides web-based access to County email via an internet browser that allows employees to access their County email from outside of Claranet. An example of a WBA is *Outlook Web Access (OWA)*.
- *Teleworking*: Working from a remote location, away from the employee's normal work location.
- *Teleworking agreement*: The written agreement between the employee and the supervisor that includes the approval to telework. Written approval is needed from the department head or their designee.
- *Teleworking assignment*: The agreed-upon parameters specific to an employee's arrangement (e.g., work assignments).
- *Teleworking engagement*: When the employee is teleworking.

Statement of Policy

The County of Santa Clara recognizes that flexible work arrangements and reduced commutes can benefit the employee, the department and customers by making more efficient use of staff time. Additionally, appropriate use of teleworking supports State legislation CA State Assembly Bill AB32 that encourages State and local governments to reduce greenhouse gas emissions by specific dates.

Reducing time employees spend on the road helps to reduce greenhouse gas emissions, thereby benefiting the community at large.

This program pertains to employees in CEMA AND IFPTE, LOCAL 21 represented classifications. Agreements with contractors for teleworking will be addressed in the applicable service agreement or contract.

Teleworking policies and requirements that pertain to emergency situations take precedence over the policies outlined in this document and will be communicated separately if enacted.

“On-call” and “call-back” guidelines and agreements are not included in this policy as they are addressed in Memoranda of Understanding for applicable bargaining units, and specific departmental guidelines.

Teleworking is a management option, not an entitlement. The agreement may be revoked or modified by the Department at any time for any reason.

Eligibility Requirements and Prerequisites

Eligibility is based on many criteria, and certain job classifications and associated job responsibilities may not be conducive to teleworking. The following requirements are presented to help the employee and supervisor determine if teleworking is feasible. Additionally, a change in job duties and assignments, such as being assigned to work out of class, being assigned to a new project, or covering for coworkers who are out on vacation or leave, may affect eligibility. For this reason, it is the supervisor’s responsibility to periodically assess the teleworking arrangement with the employee to address any change in eligibility.

Meeting any eligibility requirement does not guarantee approval to telework. Approval is given on a case by case basis; however, for approval to be given, an employee must meet all requirements.

Criteria for an employee to telework include:

- Full or part time status
- Permanent status (no original probationary status); others on exception basis only, subject to approval by department head (CIO)
- Classified or unclassified position

- Employee is in compliance with County merit system rules, regulations or policies, and/or department rules and policies.
- Demonstrated job performance to be able to work independently as determined by the immediate supervisor
- Job performance meets or exceeds expectations
- Employee's telework consists of the employee's regular work responsibilities, including call-back and on-call duties
- Employee's job duties allow him/her to be away from the County work site for a period of time during the work week
- Teleworking does not impede other workers from performing their job duties
- No reduction of service to internal and external customers and clients
- Employee and supervisor agree in writing on a teleworking arrangement, which is approved in writing by the department head or designee.
- Employee has access to required supplies and equipment to telework and has an acceptable workspace and environment to effectively work at home.

In addition to meeting the eligibility requirements, the following items are required before allowing an employee to telework:

- Telework Request and Approval Form is completed and approved
- Telework Agreement/Assignment Form is completed and approved
- If needed, remote access to County network systems and/or Outlook Web Access (OWA)/email is established
- Employee/supervisor work assignment expectations are reviewed and agreed upon
- Required training for the employee and the supervisor is completed (i.e., initial training and any ongoing training assigned to teleworker)
- Employee reviews and signs the SCC Information Technology User Responsibility Statement
- Supervisor provides Teleworker with Worker's Compensation Packet

Responsibility for Teleworking Costs

Teleworking is a voluntary program. The employer is not obligated to pay for the costs of telework. Nevertheless the county has determined that the following costs will be covered:

Cost responsibility of the County:

- Office supplies that normally are available at the County work site for the employee's use (such as pencils, binders, and paper). Just as at the County work site, teleworkers will not be reimbursed for additional office supplies unless approval to purchase supplies is given in advance of the purchase. County-issued supplies will be used for County work purposes only.
- Provision of, plus repairs and replacement of County-issued laptops or other required computer equipment based on need and availability. County will not repair or replace personally owned computers.
- Mileage will be reimbursed dependent on IRS rules and County mileage reimbursement guidelines. Existing departmental procedures to request mileage reimbursement are to be followed. (Note: The teleworker will not receive mileage reimbursement for any travel that would not occur if the teleworker were at the County's office worksite. (The teleworker will not receive mileage reimbursement for the distance of any travel between home and the normal work site for any reason on teleworking days.)
- No other costs will be covered by the County unless prior written approval is given.

Cost responsibility of the employee:

- In general, any cost not itemized as covered by the County will be the employee's responsibility to pay.
- Work-related telephone call costs, that do not meet department reimbursement requirements (e.g., employee does not provide itemized statement with work-related call charges that are clearly identified). As an option, the department may choose to supply teleworkers with cell phones or pre-paid phone cards for use when teleworking and conducting County business.
- Home workspace furniture, ergonomic equipment and related modifications
- Network access set-up and continuing charges (e.g., DSL, broadband, etc.)

- Purchase, repair or replacement of employee-owned equipment including computer equipment/supplies
- Liability for any claims by 3rd parties including family members
- Homeowner's and renter's insurance, including any changes in rates or coverage required for teleworking and maintaining a home office
- Tax advice/preparation and tax liability for setting up and maintaining a home office; employees are encouraged to consult with a qualified tax professional to discuss income tax implications.
- Legal expenses and associated financial liabilities
- Any cost to relocate personal or County-issued equipment and/or to re-install equipment if the employee moves to a new home workspace or new residence, or re-establishes equipment within the existing home.
- Cost of utilities (gas, electric, etc.) including maintenance costs incurred while working at home

Department's Rights Reserved

Administering the teleworking program is under the authority of the Department Head or designee with general oversight by Employee Services Agency, Labor Relations, and Risk Management. Any changes to this program and document will be managed through the Department Head or designee. The Department may establish specific time periods for submitting requests, duration of the telework period, and review of the teleworking participation.

The Department reserves the right to accept or reject the teleworker's application for teleworking based on space available in the program, quality of work, assessed ability to be self-motivated and to maintain high work standards.

Should an applicant's telework request be rejected, the decision is final and not subject to the grievance procedure or any other appeal. The employee may request to meet with the Department Head or designee to discuss the reason for denial. That meeting shall occur within a reasonable period of time. If the meeting does not occur, the employee can contact Labor Relations.

If the teleworker participating in the teleworking program fails to conform to the program criteria, the teleworking privileges may be revoked. In summary, the Department has total discretion to approve or reject all or part of any teleworking request.

General Terms and Conditions

The following general terms and conditions apply to teleworking:

- Duties, obligations, responsibilities and conditions of employment with the County of Santa Clara remain unchanged except those obligations and responsibilities specifically addressed in this policy and associated documents.
- Salary, benefits, and work status remain unchanged as a result of teleworking.
- The supervisor and the teleworker will create a work plan (as described in the Telework Agreement/Assignment Form) for work to be done during teleworking. The supervisor will review the work results with the teleworker on a regular basis to ensure that work expectations are being met.
- The teleworker will maintain, on a weekly basis, the County-approved log of commutes and distances “saved” for days teleworking. This information may be gathered during evaluation periods or at other times to determine to what degree environmental measurements are being met through the telework Program.
- Teleworker must comply with all organizational rules, policies, agreements and procedures.
- Teleworker must comply with all Federal, State and local laws, including Fair Labor Standards Act (FLSA) and Health Insurance Portability and Accountability Act (HIPAA), plus applicable labor contracts.
- Teleworker must be available to communicate with those with whom he/she normally conducts business (e.g., supervisor, management team, coworkers, vendor contacts) by phone and/or email (per agreement with supervisor) during the telework engagement, including by web and audio conferencing, if required. During the telework engagement, unless otherwise approved by the supervisor, the teleworker must respond to any email or phone communication within 1/2 hour, except for pre-determined and agreed upon lunch and break periods.
- Given a minimum one hour advance notice, an appropriate representative from the Department may make an on-site visit to the teleworker’s remote worksite.
- If the teleworker encounters constraints that prohibit the teleworker from continuing the telework engagement (e.g., required equipment fails), the teleworker must either come to the County work site to continue working, or notify his/her supervisor to determine if alternate work can be done to continue the telework engagement. Alternatively, with supervisor approval, the employee may take remaining time off via vacation or personal leave time banks.
- If the teleworker becomes sick or must take time away from teleworking to assist with a dependent family member’s illness or injury, the teleworker must report to his/her supervisor the need to use the appropriate bank of hours (e.g., sick leave) and state which hours of the telework engagement the teleworker will not be able to work.
- The immediate supervisor will monitor and periodically review the teleworking arrangement.
- The teleworker must notify the Department immediately if any equipment used to perform County work is stolen, lost, or otherwise compromised.

- The teleworker must provide a contact phone and (if applicable) fax number to the supervisor; this contact information will be shared with “need to know” managers, coworkers and other business contacts (e.g., vendor contacts) so that communications with the teleworker can continue during telework engagements.
- Teleworkers will receive pay advices per normal procedure.

Schedule and Hours

Unless approved on an exception basis, the schedule and hours allowed for teleworking must be within the following guidelines, but subject to approval by the supervisor:

- The number of teleworking hours of an employee’s normal work week must be approved by the supervisor.
- The total number of work hours will not change due to teleworking.
- Hours of teleworking are expected to be within the employee’s existing pre-approved work and break schedule unless otherwise approved.
- The business needs of the County on-site office may take precedence over telework days. A teleworker may be required to be on-site during a regularly scheduled telework day. The supervisor is to give at least 24 hours notice if possible, but can give less than 24 hours notice should an immediate need arise.
- Teleworker is still subject to the Department’s time reporting process and schedule.
- Teleworker must ensure that in-person meetings are not delayed due to telework schedules.
- Departmental procedures, including obtaining prior approval, for requesting overtime and time off are to be followed as when working at the County work site.

Equipment

Use of equipment is pursuant to the following requirements:

- Laptops and other authorized equipment assigned to employees may be used for teleworking or an employee may use his/her own personal computer equipment. All equipment requires prior County Department approval and must comply with County IT security policies and practices.
- If the teleworker needs to connect to the County’s network, they must follow existing procedures to request and obtain remote access.
- If an employee wants to telework and requires a laptop but does not have a County-issued laptop, they may request one. Due to budget constraints, satisfying requests for additional laptops may not be feasible, and lack of a laptop and County network connection capability can impact whether an employee will be allowed to telework. As an alternative, a laptop, if

available, may be reserved and checked out from the Department; the duration of the use of the equipment being checked out would need to be agreed upon.

- The Department may issue a desktop computer and monitor for teleworking if equipment is available and it is mutually agreed-upon between teleworker and County to do so.
- Use of County-owned equipment and/or personal equipment used for County business is subject to compliance with the Santa Clara County User Responsibility Statement and Instructions. County-issued equipment may be used for County work purposes only and only by the employee to which the equipment is assigned.
- The teleworker is to immediately report evidence/suspicion of computer virus on equipment used for teleworking and any theft, damage, or failure, of equipment.
- No in-person meetings are to take place at a teleworking work site.

Confidentiality/Security

The same security practices required at work regarding County data applies to the teleworker's designated work space. Employees often work with confidential and/or critical information, and teleworkers must exercise due diligence to ensure that County data and systems are protected, and not left available for intentional or inadvertent access by others. Teleworkers are to follow all laws and County and departmental policies and procedures including IT security, privacy, and confidentiality policies and guidelines as when working in the office.

The teleworker must follow secure practices to protect equipment, County data and systems. This includes, but is not limited to:

- Employee will not take confidential information home (either on a laptop, flash drive, CD, paper copy, or other medium) without the prior approval from the supervisor. Such an agreement will be for a specific task and time duration.
- Provide secure workspace for protection of County equipment, County data and County systems, particularly confidential data including what is covered under HIPAA regulations.
- Properly use County applications, systems, and network, including use of strong passwords, and logging out of applications when not in use.
- Lock equipment and documents in a secure cabinet while at the teleworker's home work site. Depending on the documents a fire-proof safety box may be required.
- Return documents containing sensitive information to the Department for proper storage, shredding or disposal and do not discard in a household receptacle.
- The teleworker must comply with The Santa Clara County Information Technology User Responsibility Statement Instructions which provide the detailed policy on use of County

networks, data, and systems. Remote access to County systems is subject to County and department policies and approval.

- The Teleworker may request remote access and/or email access e.g. Outlook Web Access (OWA), and will not use a personal email account to conduct Department business without approval from the supervisor.

Public Records

The teleworker must be aware of and comply with the requirements of the California Public Records Act, Government Code Section 6250 et seq., regarding public information and public records. A public record may include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the County regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a teleworker must permit inspection and examination of any public record or public information in his or her custody, or any segregable portion of a public record, within required time limits. This requirement exists for any public record located at his or her personal residence. The teleworker must coordinate with his or her supervisor to make appropriate arrangements to ensure compliance with the California Public Records Act.

Safety and Work-Related Injuries

The employee's teleworking workspace is the employee's responsibility, not the County's, and must:

Comply with recommended safety rules for the workplace, including:

- Smoke detector
- Working fire extinguisher
- Clear, unobstructed exits
- Removal of hazards that could cause falls
- Adequate electrical circuitry
- Appropriate furniture
- Be subject to inspection by the County with at least 48 hours notice
- Provide a quiet, well-lit, and ergonomically appropriate work environment
- If a teleworker is subject to an ergonomic plan, that plan must be duplicated in the teleworking workspace.
 - Be covered by employee's homeowner's or renters' insurance

- Be secured, so that County data is not compromised, shared, or lost
- Be secured to minimize chance of damage or theft of equipment
- If network access is required, the workspace must have high-speed internet service (no dial-up)
- Retain copy of Worker's Comp Packet at teleworking work site for reference

If a teleworker is injured in his/her designated teleworking workspace during teleworking hours while conducting County business, the teleworker must notify his/her supervisor immediately and follow County policy for reporting on-the-job work injuries. If the immediate supervisor is not available, the teleworker is to contact the manager or an alternate supervisor or manager for reporting the injury. The supervisor is to follow all applicable rules and procedures governing employee injuries (e.g., fill out appropriate forms, such as "Supervisors First Report of Industrial Injury/Illness", and escalate information as needed). Such injuries may be covered by Worker's Compensation provided that all eligibility requirements are met. Existing policies for Worker's Compensation apply, such as treatment by the County-contracted health provider if the employee does not already have a designated physician name for worker's compensation-covered health services on file with the County, or the need for appropriate paperwork to be completed by the County before visiting the healthcare provider.

The County assumes no liability for injuries to the employee that occur outside of the designated work space and outside of employee's scheduled telework hours. Employee is liable for injuries to 3rd parties who enter the designated work space.

Requirements for Successful Teleworking

Not every environment is conducive to teleworking. Therefore, to ensure successful teleworking, the teleworker must understand and convey to all family, friends, and neighbors, and comply with the following:

- The teleworker is working while at home. Working at home carries the same responsibilities and tasks which need to be completed as required in the office.
- The teleworker must keep interruptions to a minimum by developing ground rules for family and others to follow regarding interruptions while teleworking.
- Teleworking is not a replacement for dependent child or elder care. Successful participation in the teleworking program requires minimizing interference from others in the home work environment. If dependent child or elder care is needed, the employee must arrange for care to be secured so that the employee is not interrupted from performing work duties during teleworking hours.

- The teleworker must establish guidelines for the proper use of office supplies and develop an understanding with family members that County equipment/office materials are not for personal use.
- County-owned equipment may only be used by the employee to whom the equipment is issued; any access by 3rd parties is strictly prohibited (e.g., children may not use the computer).

Evaluation

The Department Head or designee will conduct evaluations of the Department's Teleworking Program to determine if program changes or program termination is required. Employees and their supervisors will be expected to take part in the evaluation process to help provide feedback and suggestions.

Evaluations will include measurements of commute travel saved by teleworking. Evaluation measurements will include, but are not limited to: productivity, quality of work, responsiveness, sick leave use, and availability/flexibility to Department needs.

Term of Agreement

The Agreement shall remain in effect until it is terminated or amended in writing by either of the parties to the agreement or the approved teleworking period ends. Any changes in the telework schedule must be in writing.

Termination of Agreement

The employee or the Department may terminate an agreement for teleworking should the arrangement become no longer beneficial to either party. The terminating party is to give written or email notification to the other party immediately once the decision is made to terminate the teleworking agreement.

Non-compliance with any of these policies and procedures may result in termination from the Telework program and/or disciplinary action up to and including termination from employment.

If the employee terminates the teleworking agreement, the employee must immediately return any County-owned equipment relating to the telework. If the supervisor/department terminates the teleworking agreement, the supervisor is to determine if any County-owned equipment should be returned by the employee or if support staff should be sent to retrieve that equipment. That equipment-return should be immediate or within one calendar day from the termination date in most circumstances, and within five calendar days from the termination date in all other circumstances unless the supervisor agrees in writing to a longer return timeline.

Required Documents

The following documents are included as part of the policy:

- Check List: Self-Assessment by Teleworker for Designated Work Space
- Telework Request and Decision Form
- Equipment Sign-Out Sheet
- SCC Information Technology User Responsibility Statement/Additional Responsibilities for Users Accessing County IT Assets from Non-County (remote) Locations
- Worker's Compensation Packet
- County-designated log