City of Riverside, California
Human Resources Policy and Procedure Manual

Human Resources Director

City Manager

Number: II-11 *Effective Date:* 03/20

SUBJECT: **TELECOMMUTING PROGRAM**

PURPOSE:
To establish eligibility requirements and guidelines for the appropriate use of telecommuting as a substitute for commuting into a City facility. Due to technological advances and enhanced connectedness, the City recognizes that telecommuting is a viable work option when both the employee and nature of work are suited to such an arrangement. A formal telecommute arrangement ensures transparency, preserves public trust and provides a framework for assessing the appropriateness of the work arrangement.

POLICY:
A Telecommuting Arrangement shall be executed prior to the start of telecommuting work. Approval of a Telecommuting Arrangement is at management's discretion, not an employee right, and may be modified or terminated at any time based on the business and operational needs of the department. Telecommuting is not appropriate for all employees and no employee is entitled or guaranteed the opportunity to telecommute.

Before entering into any telecommuting arrangement, the employee and supervisor will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability - The employee and supervisor will assess the needs and work habits of the employee. The supervisor will consider the quality and quantity of the employee's work; ability to work independently; and ability to plan and organize work to accomplish assigned tasks.

- Job responsibilities - The employee and supervisor will discuss the job responsibilities and determine if it is appropriate for a telecommuting arrangement. The supervisor shall consider the following when evaluating a request for a telecommute arrangement:

    - Identifying regular work assignments that are suitable for telework

    - Identifying the appropriate length of the telecommuting assignment, and its operational feasibility for the department

- Supervisory or lead responsibilities over subordinate staff which require on-site presence
- Attendance at on-site meetings
- Level of accessibility by telephone and/or email during the telecommuter's regular scheduled work hours or as specified in the Telecommuting Agreement.
- Level of interaction with key stakeholders, co-workers, and the public needed to properly perform core functions

- Equipment needs, workspace considerations and scheduling issues - The employee and supervisor will review the physical workspace needs; the appropriate location for the telework; and the proposed schedule for telework.

- Tax and other legal implications - The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

After evaluating the suitability of telecommuting, a Telecommute Arrangement Form must be completed by the employee and the supervisor. The Telecommuting Arrangement must be fully executed prior to the start of telecommuting work with the concurrence of the supervisor and approval from the Department Head, Chief Information Officer (CIO) and Human Resources Director. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Operational needs of the City and department are subject to change, and therefore may require reassessment of the feasibility of approved telecommuting assignment from time to time. In such cases the City will make every effort to notify the employee timely when an approved telecommuting assignment must be revoked or changed.

REQUIREMENTS:

1. Employee Eligibility Requirement – To be eligible for a telecommuting arrangement, the employee must:

   a. Have been employed in their current position for a minimum of twelve continuous months;

   b. Be exempt from overtime requirements of the Fair Labor Standards Act (FLSA) and not subject to overtime pay provisions;

   c. Not receive an overall rating of Unsatisfactory (2 or below) on a Performance Appraisal within the last twelve months.

2. Request for Approval - An employee requesting approval to telecommute must complete the Telecommute Arrangement Form and submit the form to their

supervisor for concurrence. A Telecommute Arrangement requires approval from the Department Head, CIO, and Human Resources Director prior to beginning work.

3. Equipment – The CIO will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the Department, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the City is to be used for business purposes only. The telecommuter must sign an inventory of all City owned property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned, unless other arrangements have been made.

   Telecommuters are expected to comply with all technology use policies as provided for in the City's Technology Use and Security Policy (TUSP). Violation of the TUSP will be grounds for termination of the Telecommuting Arrangement.

4. Frequency of Telecommuting – Employee may telecommute up to a maximum of two days aggregate in a work week.

5. Child Care - Telecommuters are not allowed to care for children age 12 and younger while working at home. An employee who has an ill child may temporarily, care for the child while working at home with the approval of the immediate supervisor.

6. Evaluation of the Telecommute Arrangement – It is expected that the Supervisor will assess the appropriateness of the telecommute arrangement through regular interaction by phone or email between the employee and the supervisor. The Supervisor will ensure that the arrangement is consistent with the needs of the Department. The Supervisor shall complete an evaluation form of the telecommuter's performance at the end of thirty days (30) and make recommendations for the continuance, modification or termination of the telecommute arrangement.

   Evaluation of the telecommute arrangement beyond the first thirty (30) days will be consistent with the performance appraisal received by employees pursuant to Human Resources Performance Evaluation Policy IV-1 and will focus on work output and completion of objectives.

7. Safety and Liability - Employees requesting approval to telecommute will be required to designate a specific workstation within their homes. Any modifications to spaces within the employee's home will be at the employee's expense. The City bears no responsibility to reimburse the employee for expenses incurred to create a suitable workstation for telecommuting purposes including but not limited to the

purchase of office furniture, office equipment, maintenance of phone and data lines, or cost of utilities.

This work area will be considered an extension of the employee's regular office work space; subsequently the City's workers compensation liability for injuries will also extend to this space. Employees will be responsible for maintaining safe conditions in this work area. Supervisors may make safety inspections of home workstations. The City's liability for injuries taking place while working at home will be confined to this area. The City's liability will also be confined to injuries taking place during the work hours agreed upon by the employee and his or her supervisor. Telecommuters will be required to work a schedule agreed upon in the Telecommute Arrangement. They will follow any guidelines set by the department for office communications, such as making regular calls to the office voice mail system to check for messages.

City employees may have access to confidential and proprietary information not accessible to the general public. Duplicating or disclosing confidential or proprietary information, unless it serves a business necessity, is strictly prohibited. When telecommuting, employees are required to maintain the same level of confidentiality of all City information as they would at their main office location. Failure to safeguard the City's confidential and proprietary information will result in disciplinary action, up to and including termination.

8. Duration of the Telecommuting Arrangement – An approved Telecommuting Arrangement will be valid for a maximum of 12 months. The employee must complete a new Telecommuting Arrangement form in order to continue and/or modify an existing arrangement.

9. Ending a Telecommuting Arrangement – Management will have the right to unilaterally terminate a telecommuting arrangement made with an employee at any time. Employees who no longer wish to telecommute may also terminate the Telecommute Arrangement and return to full-time in-office work at any time.

   If the employee was issued City equipment solely for the purposes of telecommuting, all City equipment must be returned to the City upon termination of the arrangement or separation from the City.

10. Ad Hoc Arrangements - The Department Head may approve temporary telecommuting arrangements for circumstances such as inclement weather, natural disaster, business travel or other emergency situation. Such approvals shall not exceed 40 hours or 5 days in a thirty day period.

11. Limitations – A telecommute arrangement may not be used to circumvent the City's leave provisions, workers' compensation process, and/or ADA required interactive process. If an employee is in any way impaired and not able to report to work at their normal workstation, please contact the Human Resources Department for an evaluation for temporary reasonable accommodation.

12. Exemptions – A telecommute arrangement is not required for the employees in the following categories. It is understood that these employees will be required to perform City business when and where necessary.

    a. Elected Officials
    b. Council Assistants
    c. Chief of Staff to the Mayor
    d. Charter Officers
    e. Department Heads
    f. Deputy Directors

City of Riverside
Telecommuting Arrangement Form (Exempt Employees Only)

Employee Name:	**Classification:**
Department:	**Employee ID#:**
Supervisor Name:	**Date of Request:**

Action requested:

☐ **Initiate new telecommute arrangement**

☐ **Modify an existing telecommute arrangement**

Proposed Telecommuting Schedule: (Maximum of two days aggregate per work week)

Telecommuting Scope of Work: (Provide a detailed list of job responsibilities which will be performed during telecommuting hours)

Equipment Needs: (List all equipment including hardware, software, modems, phone and data lines and other office equipment for this telecommuting arrangement)

Acknowledgement:

Telecommuting Applicant

I have discussed telecommuting with my supervisor and understand that my application does not guarantee that I will be eligible to telecommute. I have read the Telecommuting Program Policy (II-11) and meet all outlined requirements; I understand that telecommuting is not an entitlement and that it is not appropriate for every employee. I understand that telecommuting can be terminated at any time by management or me.

Telecommuting Applicant's Signature _____ Date_____

Supervisor

I have reviewed the proposed telecommuting schedule and scope of work. I believe this employee is a good candidate based on job responsibilities and performance in the employee's current position.

Please check all that apply:

☐ Applicant has been in current role for at least 12 continuous months

☐ Applicant is a bona fide supervisor
Number of subordinate staff ____

☐ Applicant has satisfactory job performance

Supervisors Signature_____ Date _____

Approval:

_____ Approved ( ) Denied ( )
Department Head Signature

If denied, please cite reasons:

_____ Approved ( ) Denied ( )
Chief Innovation Officer Signature

If denied, please cite reasons:

_____ Approved ( ) Denied ( )
Human Resources Director Signature

If denied, please cite reasons:

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