



<b>SUBJECT:</b> Telework	<b>EFFECTIVE:</b> August 2021 <b>REVIEWED:</b> February 2023 <b>REVISED:</b> June 2023
<b>CATEGORY:</b> 200 (Personnel) <b>POLICY NUMBER:</b> 200.14	<b>CROSS REFERENCE:</b> Commute Options 200.7

### Purpose

To provide employees with options for telework and meet the business needs of the city and expectations of the community related to service provision. Telework may be used to increase productivity, reduce employee commute trips, and accommodate special needs of employees and the city.

### Definitions

**Non-exempt employees:** Employees subject to the overtime requirements of the Fair Labor Standards Act (FLSA).

**Telework Agreement:** A document prepared by a manager and employee to outline the details of the specific employee's telework plan related to an ongoing telework arrangement. A telework agreement is not required for occasional, informal telework. The document is signed by both parties and retained in the employee's personnel file.

### Scope

All regular-status City of Milwaukie employees except those represented by the Milwaukie Police Employee Association.

### Policy

Telework is available to city employees when it works to the mutual benefit of employees, the city, and the community. The telework program may be discontinued at any time, with reasonable advance notice, at the sole discretion of the city.

### Guidelines for Use

#### Eligibility:

- Regular status employees are eligible to request telework arrangement.
- Employees participating in a telework arrangement must be an Oregon or Washington resident.
- Temporary, on-call, and seasonal employees are generally not eligible for telework.

### **Telework Days:**

If approved for telework, employees may work remotely up to two days per week (one day for managers) on a regular and consistent schedule. Mondays and Wednesdays are citywide "in-office" day. Flexibility for special circumstances may be allowed based on need.

### **Approval Criteria:**

Approval will generally be based on the requesting employee meeting the following criteria:

- Employed with the city for a minimum of three months continuous, regular employment at the time telework is requested.
- The employee demonstrates a strong ability to work independently with minimal oversight.
- Employed in a position suitable for telework:
  - Nature of the work requires minimal direct in-person customer contact (internal and external) facing.
  - Minimal need for specialized material or equipment.
  - Employee's job is not dependent upon location of the workplace and has tasks and deliverables that can be easily defined, monitored, and measured at other than the traditional worksite.
  - Sufficient in-person coverage for related city services such as, but not limited to, fully trained and knowledgeable Planner/Engineer/Building Tech-On-Duty, for the requested telework day.

The city will consider exceptions to the eligibility requirements when an employee with a disability or other medical need requests telework as a reasonable accommodation under the Americans with Disabilities Act.

### **Telework Terms**

- An employee's work schedule may include limited telework. Telework can be informal, such as working from home for a short-term project, during inclement weather, or on the road during business travel, or formal, as described below. All informal telework arrangements are made on a case-by-case basis, focusing first on the business needs of the city.
- New telework arrangements are considered as a trial basis for the first three months and may be discontinued at any time. After the trial period, the employee and manager will discuss the effectiveness of the arrangement and determine if the arrangement continues as-is or if modifications are necessary.
- Telework arrangements may be discontinued (not subject to grievance) if the employee is placed on a performance improvement plan or other corrective action.
- While teleworking, the city expects high standards of professionalism in terms of job responsibilities, work products, and customer or public contact. The employee must be accessible via telephone, internet communication (such as MS Teams or e-mail), or other mutually agreeable technology during agreed-upon work hours, as if the employee was in the office. The employee's duties, obligations, and responsibilities will not change solely because of telework. The employee will meet or communicate with their supervisor as often as the supervisor deems necessary to receive assignments, review work progress, and complete work.

- The city may require a teleworking employee to work in the office to meet city needs (including certain meetings), regardless of the employee's telework schedule.
- Employee's salary, benefits, workers' compensation, and other insurance coverage are not impacted by telework.
- Non-exempt, teleworking employees may not work overtime unless approved in advance by the supervisor. Failure to obtain prior approval for overtime work may result in discontinuation of telework and/or other appropriate disciplinary action. Non-exempt employees are responsible for accurately recording all hours worked, including time spent after the close of normal business hours to respond to work-related email, answering calls and/or text messages.
- Travel from home to assigned city work location is considered commute time (not work time) and not be reimbursed. If a teleworking employee is called in to a city work location during a telework day, the commute is considered work time.
- Telework is not a substitute for dependent care or care for others. Employees must make necessary arrangements to ensure full attention to duties and assignment during the agreed-upon work hours.
- Teleworking employees may not perform personal business or activities during agreed-upon work hours.
- Telework arrangements may be discontinued at any time at the city's sole discretion without grievance. Every effort will be made to provide 30 days' notice of such a change to accommodate the impact. In some situations, limited or no notice is possible; however, reasonable effort will be made to provide notice.

### **Work Site**

- The telework site (typically employee residence) must be within 55 driving miles and a 1-hour drive from the city worksite under normal traffic conditions. Telework from alternative telework sites (such as the home of an out-of-state family member) are limited and must be approved in advance by the Human Resources Director.
- The designated workspace must be quiet, free of distractions, and kept in a clean, professional, and safe condition, with adequate lighting and ventilation. Employees may be asked to provide verification of safe workplace conditions, if necessary. The city reserves the right to make a home visit if verification provided by the employee is insufficient.
- The city is not responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses (utilities, cleaning services, etc.) associated with the use of the employee's residence.
- The city is not liable for damages to the employee's property resulting from participation in the telework program.

### **Supplies, Equipment, and Software Usage**

- City-owned equipment will be maintained by the city and must be returned when the employee is no longer teleworking, or when employment has been terminated. The city does not guarantee the purchase of equipment for a teleworking employee. Employees must take necessary action to protect the city's equipment against damage or theft.
- Employee-owned equipment will be maintained by the employee.

- Out-of-pocket expenses for supplies, which are normally available in the employee's regular work location, will not be reimbursed. Other supplies, as needed, must be requested by the employee, and approved by the manager.
- Teleworking employees must provide their own Internet access and equipment necessary to access the Internet. When using a public network, Employee must access the city's Virtual Private Network to ensure internet transmissions are secure. The city does not reimburse for at-home internet services.
- City-owned computers must be plugged into a surge protector.
- Employee must promptly notify their manager when unable to perform work assignments due to equipment failure or other unforeseen circumstances. The employee and manager will determine alternate work assignments, work locations, or time off as appropriate.
- The city may pursue recovery for property damaged, destroyed, or stolen while in the employee's care, custody, or control if such loss results from the employee's intentional act or negligence.

### **Security**

Teleworking employees must protect the city's information from unauthorized disclosure or damage in compliance with federal and Oregon law, and city rules and policies. Work done at an employee's telework site is considered official City business. All records, documents, and correspondence, either in paper or electronic form must be safeguarded for return to the city. Destruction of paper and electronic records should be done only in accordance with Oregon or federal law and city policy, and with the knowledge of the employee's supervisor. Employees must surrender all city-owned equipment and/or data documents immediately upon request.

### **Requesting a Telework Arrangement**

Employees interested in requesting a telework arrangement should speak with their manager to discuss the suitability of a telework arrangement and consider:

- whether the job assignment is appropriate for telework;
- equipment needs;
- workspace considerations; and
- scheduling issues.

If the employee and manager agree on these issues, a telework agreement will be prepared and signed by all parties.