

MENDOCINO COUNTY POLICY # 57	TELEWORK POLICY AND PROGRAM GUIDELINES
ADOPTED: April 5, 2022	ADOPTED BY: Minute Order

1.0 BACKGROUND AND PURPOSE

1.1 Background:

The County of Mendocino encourages the use of teleworking as a viable, voluntary option for County employees that can provide a valuable resource for the continuity of services and operations.

The County of Mendocino recognizes that flexible work arrangements and reduced commutes can benefit the employee, the department, and customers by making more efficient use of staff time. Though not all jobs and not all individuals are suitable for teleworking, the County of Mendocino is committed to increasing the use of teleworking for work assignments and individuals well-suited for a part-time or full-time teleworking arrangement. In addition, some jobs that may not be suitable for ongoing teleworking may benefit from a sporadic or project-specific teleworking arrangement.

The County of Mendocino supports the increased and appropriate use of teleworking arrangements and considers teleworking to be of value to both the County and teleworking employees as it:

- Helps the County attract and retain diverse employees to the workforce by providing appealing and flexible work location arrangements;
- Decreases the number of days employees commute or engage in unnecessary work-related vehicle trips by employing “greener” workforce mobility solutions to positively impact the environment, and thereby reducing the employer’s and employee’s carbon footprint;
- Ensures the continuity of government by expanding work site alternatives during emergency situations, increasing the County’s ability to provide essential services.

1.2 Purpose:

The purpose of the Telework Policy is to provide a framework for telework in the County, and to establish guidelines for a County Telework Program to be implemented by departments. County departments that want to utilize teleworkers to meet their daily operational needs as well as during emergency periods must adopt the use of the County Telework Program.

Under the County’s Telework Policy, telework is an arrangement that allows eligible County employees an opportunity to perform their work in a designated work area at home or alternative worksite on specified work days. It is the policy of the County of Mendocino to implement its Telework Program county-wide, and to make telework available at all departments, to the extent possible, consistent with the procedures, guidelines and requirements of the County Telework Program. Telework is not a permanent work assignment.

Telework is a privilege, not a right. Every teleworking County employee must have a telework arrangement that is established, approved, and maintained under the provisions of the County Telework Program. The duties, obligations, responsibilities, terms and conditions of County employment are not changed by telework. As with an employee reporting to the regular worksite, a telework employee must perform work during his or her scheduled telework hours.

2.0 COUNTY TELEWORK PROGRAM

The Chief Executive Officer, in conjunction with the Director of Human Resources, is responsible for establishing the County Telework Program based on these Guidelines, which will include terms and

conditions of participation in a telework assignment. The County allows for the use of telework when it would best meet the needs of the County to efficiently administer department services and serve the community. Any revisions to the County Telework Program must be approved by the Chief Executive Officer.

2.1 Telework Defined:

The County defines telework as work conducted by an employee at a work site other than a County office or other County location, either at home or at an alternative worksite as approved by the County. Telework is an available option which can be used to create a flexible work environment.

2.2 Telework Arrangement:

Telework requires an alternative work arrangement that is voluntary and available to qualifying County employees to work from a remote worksite rather than commuting to the employee's designated County worksite.

- The remote worksite must be within a seventy five (75) minute commute time from the employee's designated County worksite.
 - Remote worksites outside of the seventy five (75) minute commute time requirement must be requested in writing by the Department Head/Elected Official to the Chief Executive Officer for approval.
- Department management will establish a telework arrangement with their qualifying employees.
- The telework arrangement is not permanent and may be terminated for any reason.

The telework arrangement must ensure that the terms and conditions of employment for the teleworker and the manager/supervisor remain unchanged. Most notably, performance expectations, schedule for telework hours, overtime, compensation, and vacation schedules must conform to existing County, department, and/or telework related policies, guidelines and procedures, as well as the provisions within the respective Memoranda of Understanding (MOU).

2.3 Telework Program Eligibility:

Eligibility is based on many criteria including assessment of the job requirements and responsibilities. Due to the nature of the services offered by the County, employees in some job classifications may not be approved for teleworking.

An employee's position and job duties, along with the employee's demonstrated personal characteristics should be assessed to determine the suitability of the employee to telework. The Department Head/Elected Official or their designee retains the discretion to determine employee eligibility subject to business needs, job requirements, probationary status, and employee performance.

2.4 Telework Implementation Responsibilities:

2.4.1 Departments are responsible for:

- Adhering to all relevant federal, state and county laws and regulations when providing access to County data and resources. Departments are responsible for understanding and following those laws and regulations to ensure County information assets are secure and confidential, and personal and sensitive information is protected.
- Identifying job tasks and positions suitable for telework.
- Reviewing employee request to telework, and determining if telework arrangements would allow the County and employee to effectively conduct business at or exceeding the same service capacity if the employee was not working remotely.
- Ensuring employee compensation, benefits, work status, hours worked per pay period, and work responsibilities are not changed due to participation in the Telework Program.
- Ensuring managers, supervisors and employees are familiar with relevant telework policies, procedures and training.
- Ensuring any telework arrangement approved ensures that County business effectively and efficiently continues and a business justification is clearly documented for each position approved for telework.

2.4.2 Managers are responsible for:

- Approving telework arrangements.
- Ensuring compliance with all applicable policies, procedures, MOU, guidelines, etc.
- Budgeting the necessary resources, if applicable.
- Maintaining control over County-owned property used by teleworkers.
- Monitoring and overseeing all requests to remove County documents and files that contain customer/patient/client data for purposes of teleworking.
- Tracking the productivity of teleworkers. Departments should coordinate with Information Services and/or the department's Information Technology unit (if applicable) when selecting productivity software tools.

2.4.3 Supervisors are responsible for:

- Reviewing and completing the Telework Agreement with the employee and routing for appropriate approvals and distribution.
- Monitoring the day-to-day performance, leave and overtime requests of teleworking employees, and ensuring teleworkers complete their assignments, as with other workers under their supervision.
- Ensuring employees who remain in the main office are not negatively impacted by handling the teleworker's regular assignments (answering telephone calls, dispensing information, etc.)
- Providing employee training in the use of equipment and software as required for teleworkers to function effectively and independently.
- Ensuring compliance with all applicable telework, privacy and security policies, procedures, etc. and reporting security incidents immediately when they occur.

2.4.4 Information Services is responsible for:

- Providing secure options for facilitating remote access to County data. The final determination would depend on the job function, the applications used, and each County department's computer equipment availability.
- Approval of remote access technologies such as virtual private network (VPN) for the teleworking staff.
- Providing technical support and address questions that County departments have regarding remote access.
- Providing examples of hardware and software configurations and equipment that could potentially be used by County departments for remote access, productivity tools, etc.

2.4.5 Human Resources is responsible for:

- Serving as a telework resource for management and non-management employees.
- Retaining copies of teleworking employees signed Telework Agreements.
- Maintaining and updating the County's Telework Program

2.5 Telework Agreement

The Employee Telework Agreement verifies that all essential components of a telework arrangement have been addressed prior to the actual start of teleworking. The required signatures indicate that the teleworker, manager, and supervisor have read and understood all applicable policies, standard practices and guidelines.

Once an employee requests a telework arrangement and it has been accepted, the employee and their supervisor/manager are required to complete a Telework Agreement.

- The Department reserves the right to cancel a Telework Agreement at any time and for any reason.
- All County-owned equipment issued to an employee in order to telework must be returned immediately upon the end of his/her telework arrangement.

The components of the Telework Agreement include:

- Telework Application: Identifies the remote worksite, sets the telework schedule, job duties and management approvals.
- Telework Equipment Loan: Itemizes equipment used by the teleworker at the remote worksite. Managers should verify that any employee provided equipment is suitable to complete the employee's assigned duties.
- Telework Employee Acknowledgments: Provides a summary of telework essential components the employee must understand and agree to prior to implementing the telework arrangement.
- Self-Certification Checklist: Provides parameters for a safe and focus-based work environment.

2.6 Other Considerations for Teleworking

2.6.1 Information Security

Security of confidential information is of great importance to the County. Teleworkers, like all County employees, are expected to adhere to all County-wide and department policies and procedures regarding information security. For more information, see the County Information Technology Policy #22.

Teleworking employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may

require employees to work in private locations when handling confidential or sensitive material. Departments may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to County networks or databases to anyone who is not authorized to have access.

2.6.2 Supplies, Equipment, and Costs

County provided laptops and other authorized equipment assigned to employees must be used for teleworking. All equipment must comply with County Information Services security policies and practices. In some instances the County may provide additional equipment or software, if feasible, approved by the department, and in compliance with County Information Services policies.

The costs associated with telework are primarily the responsibility of the teleworker/employee. However, the County will provide standard office supplies (pens, paper, pencils, etc.).

2.6.3 Work Related Injury While Teleworking

In the event an employee suffers a work-related injury while teleworking, workers' compensation laws apply just as they would if such an injury occurred in the employee's designated County worksite. Employees are to follow County policy for reporting work injuries by notifying their manager/supervisor immediately and completing all necessary documents regarding the injury. The County assumes no liability for injuries that occur outside of the performance of the employee's duties and/or outside of the employee's scheduled telework hours. Employees are liable for injuries to third parties that enter the designated telework space.

2.6.4 Telework as a Disability Accommodation

Employee requests to telework as an accommodation for a disability or pregnancy are handled through the County's accommodation process, consistent with the *Americans with Disabilities Act* and California's *Fair Employment and Housing Act*. Employees should contact Human Resources to discuss work-related requests for disability accommodation-related telework requests.