

Telework Policy, # 870

		Policy # 870
Subject: Telework Policy		
Responsible Department: Personnel Services		
Effective Date: 07/1992	Revision Date: 06/2023	
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1. Purpose

The purpose of this policy is to provide written instructions for a formal telework (or "Work from Home" or "WFH") schedule. Telework schedules are designed to allow staff flexibility in their schedules, assist the County with recruitment and retention in the competitive labor market, and reduce commuter miles while maintaining safe and efficient County operations and services to the citizens of our community.

2. Authority

Telework is authorized through the Board of Supervisors Resolution adopted on July 21, 1992, implementing telecommuting as a management work option for all County of Sacramento Departments and the Board of Supervisors Resolution on December 17, 2020, declaring a climate emergency requiring urgent action to achieve carbon neutrality by 2030.

3. Scope

This policy applies to all employees in positions approved by their appointing authority deemed eligible to participate in telework. Since the County of Sacramento is a public agency that provides essential services to the County of Sacramento community, the vast majority of employees in certain classifications may be unable to telework or will only be able to telework on a limited basis. A telework schedule allows employees to work at an authorized work location for a length of time during their work week and at the official work location for staff meetings, team building, and other important collaboration.

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Telework, subject to the discretion of the appointing authority, is a cooperative agreement between the appointing authority and Teleworker. It is neither a right nor an entitlement, but a tool to allow flexibility in work options. Terms and conditions of employment with the County of Sacramento remain the same regardless of work site.

4. Definitions

Appointing Authority – The Department Head, equivalent, or their designee.

Authorized Work Location - The work location the employee is assigned to work in a temporary situation, or permitted to work pursuant to a telework agreement.

Disaster Service Worker – All public employees are considered Disaster Service Workers and are required to perform disaster service activities pursuant to California Government Code Sections 3100 to 3109.

Emergency Situation – A situation that federal, state, or local government agencies deem as posing an immediate threat to a person's health, security, property, or environment. This may include, but not be limited to, a Declaration of Emergency or Disaster.

County Employee – Any County officer or employee, whether elected or appointed, filling a budgeted position approved by the Board of Supervisors. Independent contractors and their employees are not County employees.

Essential Service – Services provided to the County of Sacramento clients and the community to meet basic human needs and safety, and to support the normal operation of the County of Sacramento, which cannot be performed effectively remotely, as determined by the appointing authority.

Oath of Office – Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be Disaster Service Workers in time of need.

Official Work Location – The County work location that the appointing authority defines as the employee's work location as stated in employee records.

Telework (Work From Home, WFH) - An arrangement by which an employee (Teleworker) works from an authorized work location, primarily at the Teleworker's home and within the boundaries of the State of California, for a specified portion of the work week.

5. Responsibilities

The County of Sacramento will follow guidance and regulations put in place by the

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federal, State, or local government as they pertain to employee health, safety, and security. The County of Sacramento will closely monitor emergency situations and adjust this policy as necessary to ensure the health, safety, and security of its employees and the community we serve.

6. Policy

The County of Sacramento supports the use of telework when it is a viable option. With agreement between the appointing authority and the employee, and the employee meets the eligibility criteria, the employee and appointing authority shall enter into a formal Telework Agreement (Agreement).

An Agreement is a voluntary, cooperative arrangement between the appointing authority and the Teleworker and will be reviewed at least annually to ensure the terms of the Agreement are relevant and effective. The Agreement may be terminated at any time. Both parties will attempt to provide at least two weeks' notice prior to termination. In accordance with the policy:

- Telework is voluntary and at the discretion of the appointing authority, the decision to approve and not approve participation in a telework schedule is final; and
- The County requires employees to maintain a minimum of three office days during the work week, however, there will be industries where certain job classifications work mainly from home and in those cases, the appointing authority can decide the number of office days. The appointing authority will also take into consideration alternative work schedules such as 9/80, 4/10, and other schedules to ensure the appointing authority maintains appropriate coverage. In the event of an emergency, pandemic, or other disasters, appointing authorities will have the discretion to move to 100% telework as needed; and
- Telework will be performed at the authorized work location, primarily at the employee's home, as provided in the Agreement. The Teleworker will inform the appointing authority of any change in location, and if approved, the Agreement will need to be updated to reflect the new location prior to changing work locations; and
- Teleworkers are expected to work their regular scheduled hours, including their lunch period and other scheduled breaks. Teleworkers are expected to perform their normal work functions and may not engage in activities that are incompatible with their regular work duties. Any time away from work, including vacation, sick and other time status within working hours is to be reported in the same manner as when working at the official work location; and
- Pursuant to California Government Code, all employees, including Teleworkers, are considered Disaster Service Worker, and as such, may be

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required to physically report to the official work location no later than 120 minutes after being called to report; and

- Teleworkers may be required to adhere to reporting requirements shorter than 120 minutes as determined by the employee's department; and
- Teleworkers may also be required to alternate their telework day as requested by the appointing authority to work at their official work location based on business necessity. Advance notice will be provided whenever possible; and
- No mileage reimbursement will be provided for any trip to the employee's official work location as the trip is considered the employee's regular commute; and
- Teleworkers are personally responsible for maintaining a safe working environment at their authorized work location; and
- Teleworkers acknowledge, by entering into the Agreement, that they understand the County of Sacramento Technology Use Policy and are required to abide by the terms; and
- The appointing authority or the Department of Personnel Services may terminate the Agreement at any time for any reason; and
- All duties, obligations, responsibilities, and terms and conditions of employment with County of Sacramento remain unchanged, except those obligations and responsibilities specifically addressed herein; and
- Failure to follow the requirements established in this policy may result in the termination of the Agreement and/or disciplinary action up to and including termination of employment at the County of Sacramento.

7. Standards of Application

Eligibility Criteria for Teleworking

To determine an employee's suitability for telework the County of Sacramento may consider factors including but not be limited to the following:

- Teleworker must be able to perform their assigned duties from an authorized work location, as effectively as in their official work location (creating new duties with the intent to allow an employee to telework is prohibited, except as provided for in accordance with an approved Americans with Disability Act accommodation); and
- Teleworker's job duties are of an independent nature that do not require frequent in-person interactions, meetings with supervisors, colleagues, clients, or the public, or attendance at the official work location to address unscheduled and unplanned events; and
- Teleworker's job duties are primarily knowledge-based, involving the handling of information such as reading, writing, and editing; policy development; research or investigation; data analysis, program analysis, financial analysis,

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etc.; writing reports; computer-oriented tasks; contacting or being contacted by customers via phone; and

- Teleworker's position predominantly includes job duties that require access to the County of Sacramento databases or applications that are available securely and remotely; and
- Teleworker's remote work is capable of being reviewed and managed remotely, including oversight of timeliness and quality of deliverables; and
- Teleworker has consistently demonstrated functionality, a high level of skill and productivity, the ability to successfully work independently, good organization and time management skills, sound judgement, the ability to prioritize work effectively, and meeting performance standards as established at the official work location; and
- Teleworker has internet speed and reliability at their authorized work location, are at a sufficient level to carry out remote job duties effectively and without disruption; and
- Teleworker is responsible for furnishing and maintaining equipment to support an effective telework arrangement, including computer hardware and a phone that is compatible with the County of Sacramento IT requirements. Teleworker should be able demonstrate that their remote phone service, call quality and reliability are at a sufficient level to carry out remote job duties without interruption or nuisance. The County of Sacramento is not responsible for Teleworker's phone costs or technical support, internet or related telework costs; and
- The appointing authority may require Teleworker to use County issued computer equipment due to Information Security and Privacy requirements.
- Telework shall not be used as a substitute for child or dependent care; and
- If a Teleworker is unable to maintain an effective work environment at their authorized work location, due to an equipment failure, connectivity issues, power outages or similar disruptions, the Teleworker is expected to report to their official work location to work until all contributing issues have been resolved; and

Communications

Teleworkers must ensure that other County of Sacramento staff, vendors, customers, and stakeholders continue to receive seamless, professional customer service. Therefore, communications should reflect their regular official work location conditions.

The County of Sacramento may conduct a survey/evaluation on the overall effectiveness of the Telework schedules, as deemed appropriate. Teleworkers and their supervisors will be expected to participate in the evaluation process to help provide feedback and suggestions. Evaluations will include, but are not limited to,

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measurements of commute travel saved by telecommuting, productivity, quality of work, responsiveness, sick leave use, and availability/flexibility to County needs.

Tax and Other Legal Implications

The Teleworker should determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working from an authorized work location. It is the responsibility of the Teleworker to know and fulfill all obligations related to telework and the authorized work location. Teleworkers should consult with a tax expert to determine the tax implications of a home office. The County of Sacramento will not provide guidance or bear any responsibility for any Federal or State tax liability, or other related implications.

Workers' Compensation Coverage For Employees

Teleworkers are protected by County of Sacramento's workers' compensation insurance during the agreed upon work hours and are required to immediately report any injuries that occur while working.

Insurance/Coverage Requirements

The County of Sacramento is also obligated to ensure Teleworker's workplace is free from hazards, and as such, this expectation is extended to the Teleworker. The Teleworker is responsible for a safe workplace at their authorized work location and is required to ensure a Homeowners/Renters Liability policy in the amount of \$100,000 Combined Single Limit is maintained. The minimum amount of liability is subject to periodic review and adjustment by the County's Risk Management Office.

The Teleworker is required to provide 30 days written notice to the County of Sacramento prior to cancellation or termination of this coverage for any reason. If the insurance is not in effect, the Agreement will be terminated.

Hold Harmless Agreement

Liability for injuries or property damage to third parties and/or members of the Teleworker's family on the Teleworker's premises, is not the responsibility of the County. The Teleworker therefore agrees to release and hold harmless the County of Sacramento, its Board of Supervisors, officers, directors, agents, and respective boards, from any and all claims, actions, causes of action, demands, rights, damages, costs, expenses, legal expenses, including subrogation, caused by, or related to this teleworking Agreement.

Allowing work-related visitors at the authorized remote work location, other than the Supervisor/Manager, is prohibited.

8. Review

To be reviewed at least every five years or based on changes in the law that may impact the County as it relates to telework.