

TELEWORK POLICY AND PROCEDURE

1. Purpose

The purpose of this document is to implement the County's telework policies. Telework is defined as "a work arrangement in which employees perform officially assigned duties at home or at other worksites geographically convenient to the employees." This arrangement may be used on a regular basis, for a limited term, or on a contingency basis.

2. Benefits

The benefits of telework are:

- Enhancing recruiting and retention efforts, particularly for newer workers who have high expectations of a technologically forward-thinking workplace and workers who value work/life balance.
- Helping employees manage long commutes and other work/life issues that, if not addressed, can have a negative impact on their effectiveness or result in employees leaving County employment.
- Reducing traffic congestion, emissions, and infrastructure impacts, thereby improving the environment.
- Ensuring continuity of essential government functions in the event of national or local emergencies, including a pandemic.

3. Department Roles

Department managers will be subject to County policies and must make balanced decisions when determining who may telework, and under what conditions. The determination of whether to permit teleworking vests solely with the each department head. A department recommending a telework program must address teleworking criteria and document them on the form included as Appendix A. These criteria will be used to determine employee eligibility, and to ensure that managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are considered. Each department must provide for adequate administrative, technical, and logistical support to effectively carry out the program if implemented.

In addition, all departments must address issues on information systems and technology security, to ensure their equipment decisions and telework agreements comply with this policy. Information security includes protection of sensitive "hard-copy" files and documents, as well as accounting for inventory of County-owned equipment. Equipment owned by the County may be considered taxable income and require certification of usage, similar to cell phones. Accounting for time worked will also require special consideration by departments with teleworking employees.

Under some circumstances teleworking will not be practicable because of:

- Limitations on the bandwidth available to the County;
- Lack of a countywide imaging system to handle large volumes of paper documents;

- Security for confidential information, such as payroll, financial management system, and other accounting programs;
- Unavailability of County-owned equipment, to avoid confidential information from being improperly misused, downloaded, or transferred;
- The County firewall requirement that all computers have current patches; or
- The department head, in his or her sole discretion, determines that employees in the department are not permitted to telework, either in entirety or on a case-by-case basis.

4. Eligibility

Many employees are considered eligible for telework, except in the following circumstances:

- Employees whose positions require direct handling of secure or confidential materials nearly every work day;
- On-site activity that cannot be handled remotely or at an alternative worksite, such as face-to-face personal contact with the public in medical, counseling, or similar services;
- When work requires hands-on contact with machinery, equipment, vehicles, etc.;
- Other physical presence- or site-dependent activity, such as gate attendant or park ranger;
- Employees whose last performance rating was below standard or whose conduct resulted in disciplinary action within the last year; or
- Employees whose department head does not approve a proposed telework arrangement.

5. Written Agreement

The teleworker and his/her department head or the department head's designee must enter into a written agreement (Appendix C) for every type of telework, whether the employee teleworks regularly or for a defined period of time or circumstances. The agreement must be signed and dated by the employee and his/her supervisor, and maintained on file at the department as long as the telework arrangement is in effect. The agreement should be reviewed annually.

It is strongly recommended that any individuals who will be expected to telework in the case of a Continuity of Operations event or a pandemic health crisis have telework agreements on file in advance that provide for such an occurrence.

6. Request Denial

Teleworking is not an employee right. Employee telework requests may be denied and telework agreements may be terminated, at the sole discretion of the employee's department head, even if the employee is considered "eligible" by the County's and department's policies. Denial of a telework request is not grievable and shall be considered a work assignment for purposes of the employee's grievance procedure.

7. Work Schedules

Work schedules will conform to standards specified in Section 115 of the Policy and Procedures Manual. Alternate work schedules are permissible with prior approval. In no event shall an employee be scheduled to regularly work more than forty hours during any work week. If overtime is a necessity for non-exempt employees, it must be authorized by a department head in advance. However, departments are strongly discouraged from authorizing overtime.

8. Performance Management Practices

Performance standards for off-site employees are the same as performance standards for on-site employees. Management expectations of a teleworker's performance should be clearly addressed in the telework agreement. As with on-site employees, teleworkers will be held accountable for the results they produce. The telework agreement provides a framework for the discussion that must take place between the supervisor and the employee about expectations before teleworking begins. Departments retain the right to inspect telework sites on less than 24 hours notice if evidence must be obtained for suspected disciplinary matters or in potentially hazardous situations.

9. Equipment

Equipping of a teleworker is at the department head's sole discretion. Factors to consider include, but are not limited to, technology needs based on the work of the employee, security requirements, and budget constraints. Cost of maintenance and repair of equipment that belongs to teleworking employees is their responsibility (in consideration of the cost-savings incurred by working from home).

10. Safeguarding Information and Data

Employees must take responsibility for the security of the data and other information they handle while teleworking. Employees must comply with their departments' information security policies, and maintain security of any relevant materials, including files, correspondence, and equipment, in addition to following technologic security protocols for remote connectivity. Depending on the sensitivity of the information being handled, the home office may need to include security measures such as locked file cabinets and anti-virus software.

The Federal Information Security Management Act of 2002 defines information security as protecting information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide:

- (A) Integrity, which means guarding against improper information modification or destruction and includes ensuring information non-repudiation and authenticity;
- (B) Confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and
- (C) Availability, which means ensuring timely and reliable access to and use of information.

As in the office, security measures should cover not only information systems and technology, but all aspects of the information systems used by the employee, including paper or other media files, storage devices, and telecommunications equipment (e.g., laptops, PDAs, and cell phones).

11. Safety

Teleworkers must address issues of their own personal safety to be effective while teleworking from a home office. Employees suffering work-related injuries at the alternative worksite (home or other location) are covered by workers' compensation to the extent required by law. However, workers' compensation claims must be well-documented to guard against false claims in the absence of co-workers to verify allegations. Questionable claims will be investigated, and any that are found to be fraudulent will result in termination of teleworking privileges, discipline, up to and including termination, and may subject the employee to criminal prosecution. Teleworkers must complete and sign an Employee Self-Certification Safety Checklist (Appendix D). Departments should include in their telework agreements the right of the County to inspect the telework premises without advance notice to the teleworker if hazardous working conditions are suspected.

12. Security

County employees and their supervisors are responsible for the security of County property, regardless of their work location. If County-owned equipment is stolen, the employee must file a police report and submit it to his or her supervisor. Damage to equipment owned by the County may necessitate recompense by the employee. Department security policies will be enforced the same when employees telework as when they are in the office.

13. Telework under Continuity of Operations Planning

Telework should be part of all departments' emergency planning. Federal Emergency Management Agency's Federal Preparedness Circular 65 defines Continuity of Operations Planning (COOP) as "an effort to ensure that the capability exists to continue essential government functions across a wide range of hazard emergencies." COOP capability, including teleworking, is intended to be short-term; it must be functional within 12 hours and may last up to 30 days or until the emergency is over.

TELEWORK POLICY OVERVIEW

- Telework is normally a voluntary work arrangement in which an employee performs officially assigned duties at home or at another geographically convenient worksite.
- Each department must develop its own telework policies, including defining and specifying the use of telework, if any, that best fits its business needs.
- Telework should be integrated in departments' Continuity of Operations Plans, including during a pandemic health crisis.
- The choice of how to equip teleworkers is at the department's discretion. Security concerns should be considered in making equipment choices.
- Information security must be developed and all County technology policies must be strictly followed.
- All teleworkers must have signed agreements to provide structure and accountability. Such agreements should include: schedule; communication expectations with supervisors, work group, and customers; equipment; tasks; and information security and equipment security obligations.
- Department heads, in their sole discretion, may deny an employee's request to telework
- Teleworkers must provide appropriate workspaces, and must certify they are free from hazards to the best of their knowledge.
- Employees suffering work related injuries at alternate worksites are covered by workers' compensation to the extent required by law. Suspicious claims will be investigated and handled as appropriate by law.
- Employees who use computers and other information technology while teleworking need effective technical support. Remote access presents unique issues and departments may take them into account when considering whether to authorize telework requests.
- Telework is not an employee right and is not grievable.

DEPARTMENT JUSTIFICATION FOR IMPLEMENTING TELEWORK

1. List positions eligible for telework assignments, including specific descriptive information necessary to distinguish between more than one work assignment in the same job classification. Add more pages if necessary.

Position	Assignment	Eligible Incumbent	Equipment Needed	Equipment Supplied and Maintained By Whom?	Necessary Equipment Security Measures	Necessary Data or Information Security Measures
a.						
b.						
c.						
d.						
e.						
f.						
g.						
h.						
i.						
j.						
k.						

2. Of positions listed above, are there other concerns that would preclude any of the positions or incumbents from teleworking?

Implementation Recommended by Department Head: _____ Date: _____

TELEWORK Q & As

1. How would an employee make a request to telework?

An employee would make a request in writing to his or her supervisor, stating the reasons for requesting approval to telework.

2. Who is responsible for approving an employee's request to telework?

Each department establishes its own approval process, but ultimately, the department head is responsible for approving or disapproving a specific employee's request.

3. Does an employee have a right to telework?

No.

4. Will teleworking employees continue during emergency facility closures?

Employees teleworking from home or from an alternative workplace may be an invaluable resource during a time of emergency. Therefore, departments may wish to modify their current policies concerning emergency situations to require telework employees to continue to work at their alternative worksites when the department's facility is closed. Teleworkers can be required to work during emergency closures even if that day is not a regular telework day or a day with specific approval for situational/episodic telework. If a department chooses to require an employee to telework during emergency closures either on his or her regular telework day, or on any day when the department is closed by an emergency, the department should include this requirement as part of the employee's written telework agreement.

5. If the teleworking employee needs to take off time during scheduled work hours, does he or she have to submit a time off slip for prior approval?

Yes; usual office procedures are to be followed in this case.

6. Won't the employee's work suffer without direct, on-site supervision?

The opposite should be the case, partly because the employee working at home has fewer interruptions and distractions, and partly because the individual has a strong incentive to demonstrate the value of working at home.

7. How can the supervisor monitor work performance when the employee is not physically present?

A. Supervisors can measure what the employee produces by examining the product or results of the employee's efforts. It is also helpful to use project schedules, key milestones, regular status reports, and team reviews. Supervisors may call employees who are working at home.

8. Can teleworkers follow an alternative work schedule?

Yes. In fact, telework schedules should be sufficiently flexible to permit periodic work schedule adjustments. Work hours must be documented, and alternate schedules must be submitted to the supervisor in advance of a schedule change. Initial teleworking schedules may require trial and error adjustments to determine the optimal schedule that meets the needs of the employee and the organization. All telework schedules must conform to County policy. In no event shall an employee be scheduled to work more than forty hours during any work week.

9. What about the impact on the office when some employees are working at an alternative worksite?

Certain guidelines must be established to minimize any adverse impact on other staff members before employees begin to work at alternative worksites. The overall interests of the office must take priority over working at alternative sites. With advance notice, a supervisor may require an employee to work at the main worksite on a day scheduled for an alternative worksite if the needs of the office so require. Telework should not put a burden on staff remaining in the office. An equitable distribution of workload should be maintained, and methods should be instituted to ensure that main office employees are not unduly burdened by a co-worker who teleworks.

10. What equipment will the employee need at the home-based worksite and who will provide it?

The employee and his or her department head or designee should negotiate about needed equipment (e.g., laptops, second phone lines, etc.), and who will provide it will vary by situation. Each department must establish its own policies on the provision, installation, tracking, and maintenance of equipment.

11. Do all teleworkers work with high-tech equipment?

While technology can be very helpful to most teleworkers, a telephone may suffice for some.

12. Who is responsible for maintaining and servicing County or privately owned equipment used at the alternative worksite?

Generally, the County will be responsible for the service and maintenance of County-owned equipment. Teleworkers who use their own equipment are responsible for its service and maintenance.

13. Who pays for any increase in home utility expenses incurred by employees as a result of teleworking?

The employee must pay all utility expenses. Work-at-home arrangements may increase an employee's home utility costs. Balanced against these increases are potential savings to the employee.

14. Are business phone calls made from the home reimbursable?

In accordance with County and departmental policies, an employee may be reimbursed for verifiable business-related long distance phone calls made on his or her personal phone, with appropriate documentation.

Appendix B-3

15. If a teleworker chooses to work hours in addition to his/her regular workday, can he/she get paid overtime for the additional hours?

County ordinance and policy addresses overtime, which requires non-exempt employees to obtain prior permission from their supervisor to work overtime. Due to the difficulty in monitoring overtime, departments are strongly discouraged from authorizing overtime.

16. Who is liable for work-related injuries and/or damages at the alternative worksite?

County employees suffering work-related injuries and/or damages at the alternative worksite are covered under workers' compensation to the extent required by law.

**KERN COUNTY
TELEWORK AGREEMENT**

The following constitutes an agreement between (Department)_____ and (Employee)_____ on the terms and conditions below.

1. The employee is willing to participate in the telework program and adhere to the applicable guidelines and policies.
2. The department concurs with employee participation and agrees to adhere to the applicable guidelines and policies.
3. The employee agrees to participate in telework beginning (date)_____.
4. The employee's work hours will be: _____ to _____, including an unpaid meal break of _____ minutes, on (days of the week) _____ through _____.
5. The employee will report to the office on the following day(s) _____ or as required by the supervisor.
6. The employee will provide his or her supervisor with a copy of the employee's telework schedule. For nonexempt employees, documentation of time and attendance will be recorded and maintained according to normal departmental procedure, as it is at the employee's primary work site.
7. The employee must be available by telephone during telework hours.
8. The employee must obtain advance supervisory approval before taking vacation or sick leave in accordance with departmental procedures. By signing this form, the employee agrees to follow established procedures for requesting and obtaining approval of leave.
9. If the employee works overtime that has been ordered and approved in advance, he/she will be compensated in accordance with County policies and applicable laws. The employee understands that unapproved overtime work is prohibited. By signing this agreement, the employee agrees that failing to obtain proper advance approval for overtime work may result in his/her termination from the telework program and discipline up to and including termination of employment.
10. If the employee is authorized to use County equipment, the employee will protect and safeguard the equipment. County-owned equipment will be serviced and maintained by the County. If the employee provides his/her own equipment, the employee is responsible for servicing and maintaining it.
11. If management has reasonable cause to believe that hazardous working conditions exist, an inspection by the department of the employee's home worksite may be conducted during the employee's normal working hours, without advance notice.

Appendix C-2

- 12. The County will not be liable for damages to an employee's personal or real property except as required by law.
- 13. The County will not be responsible for operating costs, home maintenance, or any other incidental costs whatsoever, (e.g., utilities), associated with the use of the employee's residence.
- 14. To the extent required by the California Workers' Compensation law, an employee who is injured in the course of actually performing official duties at the approved telework site may receive required benefits.
- 15. The employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate.
- 16. The employee will apply approved safeguards to protect County/department records or confidential information from unauthorized disclosure or damage.
- 17. The employee may terminate participation in the telework program at any time by providing thirty days written notice; however, employees may be expected to continue working at home offices or for a reasonable period to allow management time to arrange a workstation. Management has the sole right to remove the employee from the telework program at any time.
- 18. Overtime shall only be paid to nonexempt employees who work more than forty (40) hours in any work week to the extent required by the Fair Labor Standards Act. The employee must obtain in advance the permission of the employee's supervisor in order to work overtime. No daily overtime shall be paid.
- 19. Work schedules will comply with County policy. Performance standards will be the same as for on-site employees, with clear expectations from the teleworker's supervisor about the nature, scope, and timeframe for completing assignments.

Employee (Sign)

Date

Employee (Print)

Supervisor - (Sign)

Date

Supervisor - (Print)

Department Head (Sign)

Date

Department Head (Print)

**COUNTY OF KERN TELEWORK PROGRAM
EMPLOYEE SELF-CERTIFICATION SAFETY CHECKLIST**

NAME: _____ DEPARTMENT: _____

BUSINESS TELEPHONE: _____ SUPERVISOR: _____

TELEWORK SITE ADDRESS: _____

CITY/STATE: _____

TELEWORK TELEPHONE NUMBER: _____

The following checklist is designed to assess the overall safety of the telework site. Participating employees shall complete the self-certification safety checklist. Then the checklist will be signed and dated by the employee and immediate supervisor. The supervisor will retain a copy of this checklist with the telework agreement. If the department determines the telework site is inadequate in terms of safety or health, the telework agreement will be terminated. Departments reserve the right to inspect telework premises without prior notification.

A.	WORKPLACE ENVIRONMENT		
1.	Are all stairs with four or more steps equipped with handrails?	Yes []	No []
2.	Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service?	Yes []	No []
3.	Do circuit breakers clearly indicate if they are in the open or closed position?	Yes []	No []
4.	Is all electrical equipment free of recognized hazards that would cause physical harm, e.g. frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires to the ceiling?	Yes []	No []
5.	Will the building's electrical system permit the grounding of electrical equipment?	Yes []	No []
6.	Are aisles, doorways, and corners free of obstructions to permit visibility and movement?	Yes []	No []
7.	Are file cabinets and storage closets arranged so drawers and doors do not open into walkways?	Yes []	No []
8.	Do chairs have any loose casters (wheels) and are the rungs and legs of the chairs sturdy?	Yes []	No []
9.	Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?	Yes []	No []
10.	Is the office space neat, clean, and free of excessive amounts of combustible materials?	Yes []	No []
11.	Are floor surfaces clean, dry, level, and free of worn or frayed seams?	Yes []	No []
12.	Are carpets well secured to the floor and free of frayed or worn seams?	Yes []	No []
13.	Is there enough light for reading?	Yes []	No []

Appendix D-2

B.	COMPUTER WORKSTATION (IF APPLICABLE)	Yes []	No []
14.	Is your chair adjustable?	Yes []	No []
15.	Do you know how to adjust your chair?	Yes []	No []
16.	Is your back adequately supported by a backrest?	Yes []	No []
17.	Are your feet on the floor or fully supported by a footrest?	Yes []	No []
18.	Are you satisfied with the placement of your computer monitor and keyboard?	Yes []	No []
19.	Is it easy to read the text on your screen?	Yes []	No []
20.	Do you need a document holder?	Yes []	No []
21.	Do you have enough leg room at your desk?	Yes []	No []
22.	Is the monitor free from noticeable glare?	Yes []	No []
23.	Is the top of the monitor screen eye level?	Yes []	No []
24.	Is there space to rest the arms while not keying?	Yes []	No []
25.	When keying, are your forearms close to parallel with the floor?	Yes []	No []

Employee Signature _____ Date _____

Supervisor's Signature _____ Date _____

Approved [] Disapproved []