

# Telecommuting Policy

**1.7.2**

## PURPOSE

This policy contains guidelines for the City of San Jose's Telecommuting Program. The guidelines and requirements described in this policy are applicable to those City employees participating in the City's Telecommuting Program.

## POLICY

Telecommuting is the practice of working from an alternate location instead of commuting to an employee's designated work site. An ongoing telecommuting schedule (occurring one or more days a week) **must be approved before it commences**, and is usually combined with days worked in the central office location. Employees, who may occasionally work from home not on a regular basis, can do so upon approval and will be compensated according to their applicable MOA.

Telecommuting should not have the effect of lowering the level and standard of customer service to the public and other customers. **Due to the nature of most services offered by the City, there are limited instances in which Telecommuting is possible.** The inability to enter into a telecommunicating agreement with an employee shall not be subject to the grievance procedure under the employee's applicable bargaining unit agreement.

The duties, obligations, responsibilities and conditions of a telecommuter's employment with the City remain unchanged. The telecommuter's salary, retirement, benefits and City-sponsored insurance coverage shall remain unchanged. Telecommuters remain obligated to comply with all City, State and Federal rules, policies and practices, including the City's Code of Ethics. Telecommuters and their supervisors remain obligated to comply with all City of San Jose rules, regulations, policies, procedures, MOA provisions and the Fair Labor Standards Act (FLSA). The violation of any of the above or the misuse of City time or any City-provided equipment may result in preclusion from telecommuting and/or disciplinary action, up to and including termination of employment.

### Eligibility

Current City employees must meet the following criteria in order to be considered eligible for the program, unless granted an exception by the Department Director or designee:

- Permanent Employee Status (At department's discretion, an employee who is promoted in a flexibly staffed class who has been telecommuting may continue to telecommute upon completion of a new agreement.),
- At least six months (1040 hours) of employment with the City of San Jose, and
- Overall rating of "Meets Standard" or higher on the most recent performance appraisal.

**Not every position is suitable for the Telecommuting program.** For example, tasks performed by an Office Specialist are conducted in the office and therefore the job does not lend itself to telecommuting.

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The criteria for approval to telecommute shall be based upon the requirements of the job, the previous performance of the employee, the nature of job-related communication and public contacts, the nature of the reference materials required to do the employee's job, the availability of a suitable, alternate work site to telecommute from, the use of computer/special equipment, and information security. Prior to approval, all components of the requirements must be satisfied.

- A suitable alternate worksite is defined as a worksite that meets the requirements of the work and the job.
- Computer specification, special equipment, and information security data should be submitted to the department's IT personnel for approval.
- Adequate desk size and configuration to allow efficient and safe completion of work assignments.
- A work chair that sufficiently supports the employee in completion of work tasks.
- If the employee has received a workstation evaluation, the workstation at home must meet the specifications outlined in the evaluation report.

### Approval to Telecommute

City employees may apply for the Telecommuting Program by completing a Telecommuting Agreement and submitting it to the employee's supervisor. The agreement will be reviewed by Information Technology to ensure compliance with the City policy on Remote Access. Please see the *City of San Jose Policy on Remote Access to City's Computing Network* located in the Administrative Manual on the Information Technology Departmental Intranet site.

The Telecommuting Agreement is a document that acknowledges a clear understanding of the roles and responsibilities between a telecommuting employee and his/her supervisor. **It must be signed by both parties prior to the start of telecommuting, and renewed annually.**

Approval to telecommute shall be given by the City Department Director or designee. The Telecommuting Agreement, signed by the employee and the Department Director or designee, shall constitute approval to telecommute. Unless terminated earlier, the Telecommuting Agreement expires one year after the effective date. To renew the agreement, the telecommuter's supervisor must evaluate the telecommuter's performance on an annual or more frequent basis to ensure the appropriateness of the telecommuting work plan.

### Termination of Participation

***Telecommuting is a cooperative effort between the employee and the department. It is not an entitlement.***

- **Telecommuting is entirely voluntary and may be suspended or canceled by the telecommuter or the City/Department at any time. Termination of participation in telecommuting is administrative and the decision may not be subject to the grievance procedure or appealed.**

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## Scheduling

The operational needs of the City take precedence over telecommuting days of the employee. The telecommuting schedule shall be governed by the following guidelines:

- Telecommuting occurs on a regular schedule. A minimum of 20% of each Telecommuter's week (for example, eight hours for a full time employee) should be office-based in order to attend staff meetings, meet with supervisor on caseload/status of assignments, etc. The specific schedule for telecommuting will be in writing.
- The telecommuting schedule should consist of full workdays at the alternate work site. Telecommuting employees may not telecommute for part of a workday, with the exception of FLSA-exempt (salaried) employees.
- Telecommuters shall be as accessible as their on-site counterparts during their agreed upon regularly scheduled hours of work (i.e. Telecommuters shall be available for phone calls and/or electronic communication within the hours specified in the Agreement and designated as the work schedule).
- Telecommuters are required to maintain communication (e.g. by phone, by email, etc) with their supervisors during the employee's regularly scheduled hours of work pursuant to the provisions of the Telecommuting Agreement.
- A telecommuting employee must agree to forgo telecommuting if he or she is needed in the office or worksite on a regularly scheduled telecommute day. On any specific day, the employee should use good judgment on whether or not it is advisable to forgo telecommuting in order to be at the main worksite. If the department deems it necessary that the employee be required to come to the main worksite on a scheduled telecommute day the telecommuter should be given at least 24 hour notice, if feasible. However, during an emergency situation, the supervisor may require the telecommuter to report to the main worksite immediately.

Telecommuters may be required to work beyond the customary 40 hours per week to ensure **successful completion of job responsibilities**. City policies regarding overtime pay and the application of Fair Labor Standards Act (FLSA) rules will also apply to telecommuting employees. For all hourly or FLSA non-exempt employees, overtime work must be preauthorized by the supervisor/manager.

## Timesheet Accountability

The actual time worked by the employee, as established by the Telecommuting Agreement, must be accurately recorded on the timesheet.

## Work Environment

The telecommuter's workstation is an extension of the City's workspace. Telecommuters shall have a designated workspace approved by the City and maintained by the employee. This workspace must be maintained in a safe condition, free from hazards and other dangers to the employee and the work equipment. This workspace is subject to inspections, upon request, to ensure that safe work conditions exist. If the City has deemed that the employee requires a

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modified workstation in his or her main place of work, his or her home workstation must be similarly modified. The telecommuter will be responsible for any cost related to remodeling and set-up of the designated workspace.

### Telecommuting Phone Number

The employee's telecommuting phone number shall be available to City employees and to clients as needed.

### Equipment, Equipment Maintenance, Repair and Replacement

The telecommuter is required to have installed and maintained at his/her own expense a personal computer with FAX and printing capabilities, modem and dedicated phone line(s). However, a department **may** decide to provide equipment and/or software to an employee who telecommutes at least 60% of the time. If so, such equipment shall remain property of the City. The computer must have sufficient power to run programs required for the telecommuter to efficiently perform his/her job. Printers used for documents or official correspondence shall be of laser quality or of a quality approximating laser quality (e.g. ink jet).

The use of equipment, software, data, supplies and furniture, when provided by the City for use at the telecommuting station, is limited to the telecommuter and only for purposes relating to City business. When City equipment is provided to the telecommuter, the telecommuter is responsible for seeing that the equipment is properly used and secured. The City shall provide for repairs to City equipment unless the damage is due to the employee's or his/her family member's negligence. When a telecommuter uses his/her personal equipment, the telecommuter is responsible for the maintenance and repair of the equipment.

### Security

Information is a valuable City asset and must be protected from unauthorized, incorrect or accidental access, use modification, destruction or disclosure. Telecommuters will be held accountable for securing information by taking reasonable and prudent measures to safeguard information on a routine basis.

Telecommuters shall store City files in a secured space during non-telecommuting hours. Please see the *City of San Jose Policy on Remote Access to City's Computing Network* located in the Administrative Manual on the Information Technology Departmental Intranet site.

### Expenses

The following are guidelines governing expenses for telecommuting:

- Unless otherwise indicated by the department, expenses for long distance calls made from the telecommuter's workstation shall be the responsibility of the employee. Out-of-pocket expenses for supplies shall not be reimbursed unless prior approval by the Department Director or designee is obtained.
- All Internet related expenses shall be the responsibility of the telecommuter.

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- Individual tax implications related to the home workspace shall be the responsibility of the telecommuter.

Telecommuter's expenses not specifically covered in this policy must be pre-approved by the employee's department.

Although Internet expenses are not paid by the City, employees accessing the City's network must follow the guidelines set forth in [Chapter 1.7.1 of the City Policy Manual](#), titled "Use of E-Mail, Internet Services, and other Electronic Media."

### Worker's Compensation

Telecommuters are covered under the City's Workers' Compensation Insurance Program. Since the telecommuter's work space shall be considered an extension of the City's work space, the City's Workers' Compensation liability for job related accidents or injuries shall continue to exist during the *telecommuting employee's telecommuting work hours*. The telecommuter remains liable for injuries to third party persons and/or members of the employee's family on employee's premises. Any injury or illness that may be related to work-related activities should be immediately reported by the employee to their supervisor so that Workers' Compensation can determine compensability.

### Safety Requirements

The City/Department may require that a supervisor or appropriate person conduct a safety inspection of the telecommuter's home or satellite office.

All vendors or outside individual visits must be approved by the City/Department Director or designee prior to conducting City business at the telecommuting employee's home or satellite office.

### Monitoring and Evaluation

Productivity needs to be measured to ensure that the Telecommuting Program is achieving its objectives. Since not every task can be quantifiably measured, the supervisor should establish clear expectations and guidelines.

Telecommuters shall participate in all studies, inquiries, reports and analyses relating to telecommuting for the City. While the employee's individual responses will not be published, the data may be compiled and made available to the public without identification of employees.

In addition, each department will designate a representative to coordinate the telecommuting program, within their respective department. This representative will be responsible for their department's program evaluation such as monitoring changes in employee retention and absenteeism, changes in required parking spaces, and reports of employee productivity. An evaluation form will be developed for departmental use.

## **PROCEDURES**

Employee/Supervisor 1. Jointly fill out the Telecommuting Agreement.

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- Department Director      2. Review the Agreement and provide signature, if approved.
- Employee                      3. Submit Remote Access request forms for approval (See [Chapter 1.7.3 of the City Policy Manual](#) titled "Remote Access".)

Approved:

/s/ Alex Gurza  
Director of Employee Relations

7/16/04  
Date

# Telecommuting Agreement

## 1) Telecommuting Schedule

The telecommuting schedule is as follows:

	Sun	Mon	Tues	Wed	Thur	Fri	Sat	Total
Telecommuting								
At work								

## 2) Communication

While telecommuting the telecommuter shall communicate with the office at a minimum of every \_\_\_\_\_ by phone. Messages are to be returned within \_\_\_\_\_.

I have read and understand the City of San Jose's Telecommuting Policy and Procedures, a copy of which is attached. I understand that **all telecommuting work hours must be pre-approved**. I understand the responsibilities and obligations of telecommuters that are expressed in these documents. I realize they are in addition to my normal duties, obligations and responsibilities. I understand that, among other things, I am responsible for the following:

- **Obtaining approval prior to beginning any telecommunication work**
- Establishing a regular schedule
- Establishing a dedicated workspace
- Maintaining my designated work space in a safe manner according to City standards
- Employing appropriate telecommuting security measures and protecting City assets and information
- Use of City tools and City equipment solely for City business
- Ensuring that my work station meets any special requirements (i.e. ergonomically correct)

I understand that telecommuting is voluntary and may be terminated by either the employee or the City. I further understand that the City may, at any time, change any or all of the conditions under which approval to telecommute is granted or cancel the telecommuting agreement.

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Telecommuter Signature Date

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Division/Department

Approved by:

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Department Director or Designee Date

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Information Technology Approval Date

*For department use only*

Address of location: