



TOWN OF
LOS GATOS
CALIFORNIA

ADMINISTRATIVE PROCEDURE MANUAL

Small Town Service

Community Stewardship

Future Focus

TITLE: Telework Procedure

PROCEDURE NUMBER: A-19

EFFECTIVE DATE: May 1, 2020

PAGES: 6

REVISED DATES: N/A

APPROVED:

Laurel Pruett

PURPOSE

Teleworking (a.k.a. telecommuting) is a limited duration arrangement that allows eligible Town employees to work in a designated area outside of their Town worksite. This administrative procedure establishes and defines the provisions related to teleworking and ensures that essential functions continue to be performed at an alternative location either as an on-going agreement between an employee and their Department Director or temporarily in response to an emergency situation, such as a pandemic or natural disaster that results in the disruption of normal Town of Los Gatos (Town) operations.

The goals of this procedure are to:

- Encourage employees who desire and can work from home or another remote location to discuss the feasibility of such an arrangement with their immediate supervisor as an on-going or temporary agreement;
- Develop a uniform procedure for employees who work remotely; and
- Ensure that all teleworking arrangements are in full compliance with applicable laws governing workplace safety, employee rights and responsibilities, and Town procedures.

The Town Manager shall designate and authorize the specific times in which a Telework Agreement (TA) shall apply. Any TA is subject to the terms and conditions set forth in this procedure.

SCOPE

This procedure applies to eligible full-time and part-time benefited employees for on-going and temporary telework agreements. The procedure is expanded to cover temporary/seasonal and retired annuitants for temporary, emergency situations as appropriate.

The effective date of this procedure is May 1, 2020.

PROCEDURES

GENERAL PROVISIONS

Telework is not suitable for all employees and/or positions. The Town Manager has the discretion to determine the employees and positions who may telework using criteria that include, but are not limited to:

1. The operational needs of the employee's Department and the Town;
2. The potential for disruption to the Town's functions;
3. The ability of the employee to perform their specific job duties from a location separate from their worksite (Alternate Worksite) without diminishing the quantity or quality of the work performed;
4. The degree of face-to-face interaction with other Town employees and the public that the employee's position requires;
5. The portability of the employee's work;
6. The ability to create a functional, reliable, safe, and secure Alternate Worksite for the employee at a reasonable cost;
7. The risk factors associated with performing the employee's job duties from a location separate from his or her Town worksite;
8. The ability to measure the employee's work performance from a location separate from his or her worksite;
9. The employee's supervisory responsibilities;

10. The employee's need for supervision; and
11. Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Director, and the Human Resources Director.

Telework Assignment

1. Any telework assignment is valid for the time period specified in the TA. The TA is invalid after this time unless the Town approves an extension in writing. The Town may, in its discretion, decide to terminate the TA earlier.
2. Employee acknowledges and agrees that the telework assignment is temporary and subject to the discretion of management. Teleworking will be approved on a case-by-case basis consistent with the eligibility criteria above.
3. Teleworking arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee's work group, Department, and overall management of the Town. As with any work schedule, management has the discretion to change or eliminate teleworking arrangements to meet operational needs, or at the employee's reasonable request.
4. Teleworkers may be required to spend a minimum number of workdays per week or per month at their primary on-site work location. Operational needs may also demand the presence of a regularly teleworking employee in the office on a regularly scheduled telework day, with or without advance notice. Management shall attempt to provide as much notice as possible to the teleworking employee.
5. Teleworking employees are not permitted to conduct work-related, in-person meetings at their Alternate Worksites. Meetings must be conducted either at Town facilities, other agency or professional business facilities, or through teleconferencing.
6. Non-exempt employees who receive overtime shall be assigned a work schedule in the TA, including meal breaks (Work Schedule). Any deviation from the Work Schedule must be approved in advance, in writing, by management. Non-exempt employees should take meal and rest breaks while teleworking, just as they would if they were reporting to work at their Town worksite. Non-exempt employees may not telecommute outside their normal work hours without prior written authorization from their supervisor. A non-exempt employee who fails to secure written authorization before teleworking outside his or her normal work hours may be subject to discipline in accordance with the Town's procedure for working unauthorized overtime.

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7. Teleworking employees are required to be accessible in the same manner as if they are working at their worksite during the established teleworking Work Schedule, regardless of the designated location for teleworking, or Alternate Worksite. Employees must be accessible via telephone, email, and/or network access to their supervisor and other Town employees while teleworking, as if working at their Town worksite. Employees shall check and respond to their Town-related business phone messages and emails on a consistent basis, as if working at their Town worksite.
8. Employees shall work their regularly scheduled number of hours, according to the Work Schedule. Employees are required to maintain an accurate record of all hours worked at the Alternate Worksite and record the hours on their timesheet which should be made available to their supervisor upon request. Employees shall also record all non-productive work time on their timesheet using the appropriate leave code.
9. While teleworking, employees shall adhere to all of the following:
 - A. Have the Alternate Worksite be quiet and free of distractions, with reliable and secure internet and/or wireless access;
 - B. Obtain approval in advance by management for all periods of employee's unavailability in accordance with Department policy and documented using the appropriate Department procedure;
 - C. Ensure dependent care will not interfere with work responsibilities; and
 - D. Notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.

Duties, Obligations and Responsibilities

Employees must adhere to the provisions set forth in this procedure and the terms of the TA. Any deviation from the TA requires prior written approval from the Town.

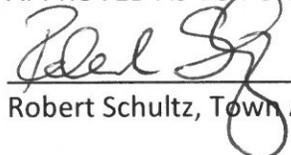
1. All existing duties, obligations, responsibilities, and conditions of employment remain unchanged. Teleworking employees are expected to abide by all Town and Departmental policies and procedures, rules and regulations, applicable Memoranda of Understanding, and all other official Town documents and directives.

2. Employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected of Town employees in terms of job responsibilities, ethics, work product, timeliness of assignments, and contact with other Town employees and the public.
3. Employees shall ensure that all official Town documents are retained and maintained according to the normal operating procedures in the same manner as if working at a Town worksite.
4. Employees may receive approval to use personal computer equipment or be provided with Town issued equipment at the discretion of the Department Director. If the Town has provided Town-owned equipment, employees agree to follow the Town's procedure for the use of such equipment by completing an Equipment Checkout Form that will be provided to the employee by the Department Director. Employees will report to their supervisor any loss, damage, or unauthorized access to Town-owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
5. The Town shall not be responsible for costs associated with the use of computer and/or cellular equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, liability for third party claims, or any other incidental costs (e.g., utilities associated with the employee's teleworking). However, employees may transport ergonomic equipment to the telework location that has been issued for use in their Town workspace, such as: keyboard, mouse, document holder, etc. Ergonomic equipment that is permanently affixed to a desk (e.g., keyboard tray, sit-stand device) may not be disassembled and removed. Ergonomic equipment that is transported to or purchased for the telework location must be identified on the TA and returned to the Town workspace at the end of the telework assignment or upon separation of employment.
6. Employees may receive remote network access, as recommended by the Department Director and approved by the Town Manager.
7. Employees shall continue to abide by practices, policies and procedures for requests of sick, vacation, and other leaves of absences. Requests to work overtime, take vacation, or other time off from work must be pre-approved by each employee's supervisor according to Department procedures. If an employee becomes ill while working under a TA, they shall notify their supervisor immediately and record the hours not worked on their timesheet using the appropriate leave code.
8. Employees must take reasonable precautions to ensure their devices (e.g. computers, laptops, tablets smart phones, etc.) are secure before connecting remotely to the

Town's network and must close or secure all connections to Town desktop or system resources (e.g. remote desktop, VPN connections, etc.) when not conducting work for the Town. Employees must maintain adequate firewall and security protection on all such devices used to conduct Town work from the Alternate Worksite.

9. Employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the Town's records retention policies, especially as it pertains to the Public Records Act. Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to Town work they access from the Alternate Worksite or transport from their Town worksite to the Alternate Worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite. Employees must return all records, documents, and correspondence to the Town at termination of the TA or upon request by their supervisor, Department Director, or Human Resources.
10. Employees' salary and benefits remain unchanged. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Employees must report any such work-related injuries to their supervisor immediately. The Town shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when said injuries occur at the Alternate Worksite.
11. All of an employees' existing supervisory relationships, lines of authority and supervisory practices remain in effect. Prior to the approval of this TA, supervisors and employees shall agree upon a reasonable set of goals and objectives to be accomplished. Supervisors shall use reasonable means to ensure that timelines are adhered to and that goals and objectives are achieved.
12. The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
13. Any breach of the TA by the employee may result in termination of the TA and/or disciplinary action, up to and including termination of employment.

APPROVED AS TO FORM:



Robert Schultz, Town Attorney