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# COUNTY OF EL DORADO, CALIFORNIA

## BOARD OF SUPERVISORS POLICY

Subject:  <u>TELEWORKING &amp;</u> TELECOMMUTING	Policy Number:	Page Number:
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	Originally Adopted: 12/08/2020 <del>N/A</del> <u>12/13/2022</u>	Last Revised Date:

### I. DEFINITIONS

#### A. Telecommuting

Telecommuting is an alternative work mode in which an employee works exclusively in a non-County location. Telecommuting is not to be confused with alternative work schedules or flexible schedules.

#### B. Teleworking

Teleworking occurs when an employee who is assigned to a principal County work location is approved to also work in a remote workspace either on a regular and recurring basis or an intermittent basis pursuant to a Telework Agreement.

#### C. Teleworker

A teleworker is an employee who has entered into a teleworking arrangement by way of a Telework Agreement. A teleworker may be required to be available to appear at the principal County work location at the request of the department head or designee.

#### D. Remote Worker

A remote worker is an employee who has entered into a telecommuting arrangement by way of a Remote Worker Agreement. A remote worker has a principal non-County work location, and instead may consider another set remote location (e.g., his/her home) as their principal work location. There is no expectation of the remote worker having to appear onsite unless it is specifically required by the department head or designee and is within the spirit of the Remote Worker Agreement.

### II. PURPOSE

The purpose of this Teleworking and Telecommuting Policy (Policy) is twofold: 1) it provides a discussion of considerations and observations that department heads should consider when implementing a teleworking or telecommuting program within their respective departments, and 2) it establishes official County policy regarding implementation, standards, and accountability.

While neither teleworking nor telecommuting is ~~not~~ a right, the County of El Dorado (County) is supportive of and will provide such opportunities for employees consistent with business needs.

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### III. **AUTHORITY**

The County Board of Supervisors has ultimate authority to adopt and change this policy. However, the County Board of Supervisors delegates administration of this Policy to each department head or designee, with general oversight by the Department of Human Resources and Chief Administrative Office. The County Board of Supervisors further delegates authority to the Department of Human Resources, with Chief Administrative Officer approval, to draft a Telework Request Form, Telework Agreement, a Remote Work Agreement, and any other forms or agreements applicable to this Policy.

### III. **POLICY**

All County employees shall have an approved Telework Agreement or Remote Work Agreement under this Policy prior to telecommuting- or teleworking. A County department may elect to include additional requirements, guidelines, or procedures, provided they are ~~consistent~~not in conflict with ~~the spirit of~~ this Policy. Such additions must be reviewed and approved by the Department of Human Resources prior to going into effect. Additionally, employee salary, benefits, and work status shall not change due to a telecommuting arrangement. Lastly, removal or denial of a telecommuting or teleworking arrangement shall not be deemed a punitive action.

#### **A. Telework Agreement**

A ~~telecommuting~~teleworking arrangement may be entered into by way of a Telework Agreement, which can be made on a regular and recurring basis or an intermittent basis.

##### 1. Regular and Recurring Telework Agreement

- a. Regular and recurring means that an employee works away from the principal County work location on an established day or days, and on a recurring schedule. Employees who telework on a regular and recurring basis may be required to report to work at the Principal County work location on teleworking days, if requested by the department head or designee and if the Telework Agreement permits this. In such circumstances, the department head or designee shall provide a minimum notice of ~~24~~two (2) hours to the employee, unless the Telework Agreement explicitly states a greater or lesser period of notice.
- b. Requests by employees to change their regularly scheduled telework days should be reasonably accommodated by their department head or designee, to the extent that such changes do not adversely affect the business needs of the department. Employees must obtain prior written authorization to change a regularly scheduled telework day.

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### 2. Intermittent Telework Agreement

- a. Intermittent means an employee works away from their primary County work location on an infrequent, one-time, or irregular basis. This option ~~provides an ideal arrangement~~ is primarily intended for employees who generally need to be in the primary County work location, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria as outlined in the Telework Agreement.

#### B. Remote Work Agreement

A telecommuting arrangement may be entered into by way of a Remote Work Agreement. This Agreement shall only be made for employees who have a principal non-County work location, and the nature of the work to be performed by the employee does not require regular presence at a County work location. The principal work location for this Agreement type would most likely be the employee's home. There is no expectation of the remote worker having to appear onsite unless it is specifically required by the department head or designee and is ~~within the spirit of~~ allowed by the Remote ~~Worker~~ Work Agreement. Further, all Remote Work Agreements shall be reviewed and approved by the ~~Department of Human Resources and the County Counsel's Office~~ Chief Administrative Officer (CAO).

#### C. Mandatory Policy Review and Training

Prior to approval of the respective telecommuting or teleworking agreement, the employee shall be required to review all policies and complete all mandatory training outlined in said agreement.

#### D. Remote Work Location and Work Environment

The employee must have a remote workspace suitable for performing official County business as outlined in the respective telecommuting or teleworking agreement, and one which meets all health, safety, and risk management standards as outlined in Section III.E.

#### E. Health, Safety, and Risk Management

The employee's remote workspace must comply with the requirements outlined in the respective telecommuting or teleworking agreement. Additionally:

1. If an employee has a work-related accident at their remote location during normal work hours and while conducting authorized County business, he/she will be subject to the same County rules and regulations regarding work-related accidents and must

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report the incident immediately to his/her department head or designee. The County's Department of Human Resources Risk Management Division will investigate work-related accidents reported. Further, in its investigation efforts, and after a 24-hour notice has been provided to the employee, the County reserves the right to perform an onsite inspection during regularly scheduled work hours of the designated remote workspace where the incident occurred.

2. Such injuries may be covered by workers' compensation if the injuries arise out of the course of employment (Labor Code section 3600). Existing policies for workers' compensation apply, such as treatment by the County-contracted health provider if the employee does not already have a designated physician name for worker's compensation-covered health services on file with the County, or the need for appropriate paperwork to be completed by the County before visiting the healthcare provider. The County assumes no additional liability for injuries to a telecommuting or teleworking employee, except as required by existing law. The employee is liable for injuries to 3rd parties who enter the remote workspace.
3. All files, records, papers, or other material created while telecommuting or teleworking are County property. Telecommuting or teleworking employees and their department head or designee shall identify any confidential, private, or personal information and records to be accessed, and ensure appropriate safeguards are used to protect them, in accordance with the Health Insurance Portability and Accountability Act, the Privacy and Security Rule Policy and Procedures, and any other relevant confidentiality laws, rules, regulations, or policies. ~~A department may require employees to~~Employees shall work in private locations when handling confidential or sensitive material. Employees should also consider disabling the listening capability of smart speakers, virtual assistants, or other listening-enabled devices unless needed to assist with official County business. Departments may prohibit employees from printing confidential information in remote workspaces to avoid breaches of confidentiality.
4. Employees may not disclose confidential or private files, records, material, or information, and may not allow access to County networks or databases to anyone who is not authorized to have such access.
5. The California Public Records Act applies to all County employees, including employees who telecommute or telework. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the County regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an

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appropriate request, and subject to authorized exemptions, a telecommuting or teleworking employee must permit inspection and examination of any public record or public information in his/her custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

### F. Operating Costs, Technology, and Equipment/Supplies

Employees must abide by all technology user requirements as outlined in the telecommuting or teleworking agreement as well as any telecommuting or teleworking related policies set forth by the Department of Information Technologies (IT).

#### 1. Operating Costs

- a. Except as expressly stated in this Policy, the County is not required to provide telecommuting or teleworking employees with technology, equipment, and supplies such as desks, chairs, cell phones, fax machines, copiers, etc., needed to establish a remote workspace and assumes no responsibility for set-up or operating costs at a remote workspace.
- b. Furnishing and household expenses (e.g., heating, electricity, internet, etc.), are the sole responsibility of the employee.
- c. Personal equipment for use while telecommuting or teleworking is not a reimbursable expense.
- d. Certain operating costs may be deemed eligible for reimbursement in accordance with any applicable state law or at the discretion of the department head or designee on a case-by-case basis.

#### 2. Personal Equipment/Supplies/Technology

- a. While logged into ~~VDI (Virtual Desktop Infrastructure)~~ or VPN (Virtual Private Network), an employee may execute printing to the principal County work location. County IT staff will not provide technical support for any issues related to local (remote) printing.
- b. County IT staff do not support local networks. The minimum internet speed recommended for one person working from home:
  - At least 20 Mbps download speed per person
  - At least 3 Mbps upload speed per person
  - At least 50 Ms latency

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~~b.c.~~ The employee is responsible for and required to provide a surge protector for all County issued computer/laptop equipment.

~~e.d.~~ Use of personal cell phones is subject to the County’s Board of Supervisors Policy A-20: Cellular Telephone/Wireless PDAs (Smartphone) Policy.

### 3. County/Department-Issued Equipment/Supplies/Technology

a. The department will issue a mobile device (laptop or tablet) for employees who telecommute or telework. ~~##~~ Each mobile device will:

- Be configured by IT to securely access County resources and ~~VDI or~~ VPN ~~##~~ will be installed. ~~##~~
- Have audio and webcam capabilities. ~~##~~

b. A soft phone (which will require the employee’s remote location to have the appropriate internet connection) may be provided.

c. County IT will provide technical support for all County issued equipment/supplies/technology.

d. County issued equipment/supplies/technology shall only be used for County work purposes and only by the employee to which the equipment/supplies/technology is assigned.

~~ee.~~ The employee must receive required software updates to County issued devices by bringing the device onsite and connecting to the EDC internal network or connect remotely to the EDC network via the county’s Global Protect VPN interface once per month for a minimum of 2 hours.

~~f.~~ The employee must immediately return all County-issued equipment/supplies/technology (i) at the conclusion of the telecommuting or teleworking arrangement, (ii) at the County’s request, or (iii) upon separation from County employment.

~~fg.~~ The employee must take reasonable steps to protect County equipment, software, and supplies from possible theft, loss, and damage. The employee may be liable for replacement or repair of the equipment, supplies, and/or caused by the employee’s gross negligence or intentional conduct in the event of theft, loss, or damage.

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### G. Timekeeping/Reporting Requirements

1. Employees shall enter their daily work time into the County’s timekeeping system consistent with department head or designee requirements.
2. As required by the department head or designee, employees shall provide any updates, logs, or reports related to telecommuting, teleworking, and/or workload.
3. Consistent with the County’s Personnel Rules and applicable Memorandum of Understanding (MOU), the use of vacation, compensatory time off, sick leave, or any other type of leave is subject to prior approval and verification by the department head or designee.

### H. Travel and Expense Reimbursements

Travel and business-related expense reimbursements shall be consistent with the County’s Board of Supervisors Policy D-2: Travel.

### I. Requirements for Successful Telecommuting and Teleworking

Department heads and ~~designees~~supervisors of employees who telecommute ~~must~~or telework should focus on the quality, quantity, and timeliness of the employee’s work product.

1. Performance standards and/or employee accountability for quantity and quality of output should ~~normally not change, and definitely not decline, as a result of telecommuting~~be the same for those who telecommute/telework as for those who do not telecommute/telework.
2. The employee, his/her ~~department head or designee~~supervisor, work teams, subordinates, and co-workers shall discuss and must ensure that they mutually understand what the employee is expected to produce, how that work is to be performed, when it is due, and what resources are necessary for success.
3. Frequent communication between the ~~department head or designee~~supervisor and the employee is required to ensure that tasks and performance expectations are clearly defined, which is consistent with an employee working at the County work location.
4. The employee must follow guidelines for the proper use of office supplies and develop an understanding with family members that County equipment/office materials are not for personal use.

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### IV.V. PROCEDURES

#### A. Telecommuting and Teleworking Requests/Agreements

1. Employees interested in entering into a telework or telecommute arrangement must have pre-approval from the Department Head or Designee Named.
  - A. The Employee or representative must submit an *isupport* ticket to County IT. The ticket must include the following information. Full name of employee
  - B. Department Head or Designee Name
  - C. Gold Tag ID for the workstation(s) for VPN
  - D. This process assumes a county-managed workstation or laptop has already been issued to the applicant and that he/she has access to County email.
2. The Information Security Office will review the training requirements
  - A. If the applicant has not completed the County IT Security Awareness training curriculum within the last twelve (12) months, the applicant will be enrolled into the current offering of the required training curriculum. An email will be sent to the applicant's email address with details and the link for completing the required training.
  - B. If the applicant has not completed the General Office Ergonomics training curriculum, the applicant will be enrolled into the current offering of the required training curriculum. An email will be sent to the applicant's email address with details and the link for completing the required training.
3. Once the required training has been completed, the employee will be sent the Telework Request Form to their or Remote Worker Agreement form to be completed in its entirety and electronically signed.
  - A. If a temporary Personal Device Addendum is requested:
    - The employee will need to complete and sign.
    - The request will be sent to the Department Head for approval.

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- The request will be sent to the Information Security Office for final review and approval. The Information Security Office will review devices weekly for removal.
- Employees will need to download Global Protect to personal devices for VPN access. Personal devices are not supported by IT Staff.

B. The form will be sent to the employee's Department Head/Designee for review, approval, and signature.

C. All parties, including Human Resources, will receive a copy of the executed Telework or Remote Worker Agreement.

D. The finalized agreement (and Personal Device Addendum, if applicable) is printed by Human Resources and placed in the employee's personnel file.

E. Telework and Remote Worker Agreement requests need to be completed by the Department within 30 days in Adobe Sign or the form will be canceled, and a new request will need to be entered.

F. The Information Security Office will submit the *isupport* ticket to add VPN access to the employee's user account.

G. The employee will be notified by email of the completed status of the request and provided with instructions for connecting to the County VPN.

H. The employee will be required to setup Multifactor Authentication (MFA) to connect to the County VPN.

~~1.4. A request form is required for all employees who are identified by the department head or designee. If the to telecommute or telework request is approved by the department head or designee, a Telework Agreement. The request form must be completed and shall be forwarded to the Department of Human Resources, where it will be placed in the employee's official personnel file.~~

~~2. A request form is not required for employees who are identified by the department head or designee to serve as a remote worker. However, a Remote Work Agreement must be completed and shall be forwarded to the Department of Human Resources, where it will be placed in the employee's official personnel file.~~

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~~3.5.~~ It is the responsibility of the department head or designee to monitor performance and check-in with the telecommuting or teleworking employees at intervals decided by the department head or designee.

~~4.6.~~ The performance of the employee and the respective agreement shall be reviewed during the regularly scheduled annual performance review. (It should be noted that prior approval of a Telework or Remote Worker Agreement does not guarantee future approval.)

~~5.7.~~ Assuming a Telework Agreement remains in place, the employee and their department head or designee must review and sign the Telework Agreement on an annual basis and shall be forwarded to the Department of Human Resources, where it will be placed in the employee’s official personnel file. A Telework Agreement shall expire after one year if it is not renewed pursuant to this Policy.

8. If the Telework Agreement expires, the employee’s VPN access will be removed by the Department of Information Technologies.

9. The terms of renewal and/or revocation of a Remote Worker Agreement shall be included within the Remote Worker Agreement.

~~6.10.~~ Should a telework or telecommute request be denied, it does not prohibit an employee from making a future request.

### B. Scheduling and Work Hours

1. Scheduling and work hours will be at the discretion of the department head or designee as outlined in the respective MOU.

~~A.2. Required set working~~ Working hours shall be set between 7:006:00am and 5:006:00pm, Monday through Friday, with the exception of 24/7 operations.

~~2.—~~

3. Department Heads shall have discretion in determining the number of telework days for employees. In determining the number of telework days, several factors should be considered, including, but not limited to;

A. Employee’s level of public interaction

B. Staffing levels and operations of the Department, Division and/or Program

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- C. Nature of the work performed and ability to monitor work productivity
- D. Impacts to customers, co-workers or others regularly contacted in the course of work
- E. Work schedule of the employee. Generally alternative work schedules, such as 9/80 or 4/10 would limit the number of telework days
- F. Impacts to employees in Department that do not have the option to telecommute due to the nature of their job.

4. Out of state telework and telecommute agreements must be reviewed and approved by the CAO and Auditor-Controller.

### C. Communication Requirements

1. Each department head or designee will set forth communication requirements for employees to notify their department, division, and co-workers of their telecommuting/teleworking days/schedule.
2. Employees must be available to communicate with those whom he/she normally conducts business (e.g., management, co-workers, customers, vendor contacts, public, etc.) by phone, email, and web/audio conferencing during the telecommuting or teleworking arrangement, if required, except for during pre-determined and lunch and break periods.
  - a. Office phone/phones must be forwarded to either cell phone and/the employee when teleworking or email/telecommuting.
3. If the employee encounters constraints that prohibit him/her from continuing the telecommuting or teleworking arrangement (e.g., required equipment fails, power outage in the telecommuting or teleworking environment), whether on a temporary or long-term basis, the employee must report such issues to the department head or designee.
  - a. A teleworker may be directed to report to their principal County work location to continue working. A teleworker or remote worker may ask the department head or designee if alternate work can be performed in order to continue the telecommuting or teleworking arrangement; the reasonableness of such request is at the discretion of the department head or designee.

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- b. A teleworker or remote worker may ask the department head or designee for approval to take the remaining time off via vacation or personal leave time banks.

#### D. Evaluation of Teleworking & Telecommuting Policy

1. To analyze and evaluate the effectiveness of this Teleworking & Telecommuting Policy, no less than annually, the Department of Human Resources will collect data from all departments who utilize this Policy via a survey.
2. Departments who utilize this Policy shall conduct their own internal evaluation to assess the effectiveness of this Policy. Evaluation measurements may include, but are not limited to, productivity, quality of work, customer service, responsiveness, sick leave use, and availability/flexibility to department needs. A department head or designee may choose to eliminate telecommuting or teleworking at any time.

#### E. Revocation

Removal of a Telework Agreement shall not be deemed a punitive action. A Telework Agreement, and its corresponding ~~telecommuting~~teleworking arrangement, can be revoked at any time by a department head or designee if such revocation is deemed by the department head or designee, in his or her sole discretion, to be in the best interest of the department. Additionally, a Telework Agreement becomes null and void upon the employee transferring to a different County department. As such, should a department head or designee need to revoke a Telework Agreement for any reason, notice of the revocation should be provided to the employee in writing and a copy of such must be sent to the Department of Human Resources and the Department of Information Technologies and placed in the employee's official personnel file.

The terms of relocation and revocation of the Remote ~~Work~~Worker Agreement will be negotiated by the applicable department head or designee and included in each Remote ~~Work~~Worker Agreement.

#### ~~V.~~VI. REFERENCES

- Board of Supervisors Policy A-20: Cellular Telephone/Wireless PDAs (Smartphone) Policy
- Board of Supervisors Policy D-2: Travel

#### ~~VI.~~VII. RESPONSIBLE DEPARTMENTS

- Department of Human Resources

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Chief Administrative Office

### VIII. DATES (ADOPTED, REVISED, NEXT REVIEW)

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<b>Last Revision:</b>	<del>N/A</del> <u>12/13/2022</u>	<b>Next Review:</b>	12/08/2024

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