



Administrative Regulation

Telework

Policy #	03-01.08
Effective Date:	Sept 7, 2021
Revision Date:	N/A
Owner:	Human Resources

Purpose:

Establishes the guidelines that the City of Springfield will use to select and manage those employees approved to telework or work remotely.

Scope:

This regulation applies to all employees.

Policy:

The City will allow the use of telework in situations where it will be to the mutual benefit of employees, the City, and the City’s stakeholders. Telework is not an employee benefit intended to be available to all City employees, rather, it is one of several work options used at the supervisor's discretion, such as flexible work schedules and job sharing.

In general, jobs appropriate for telework are those in which face-to-face interactions are minimal or that may be scheduled to permit telework, and in which the employee can perform all aspect of the positions remotely, as if the work was being performed in the City’s office.

Not all positions at the City are appropriate for telework. For example, employees who work with Criminal Justice Information (CJI) and HIPAA protected information without the proper security measures are not eligible for telework under this policy. Employees who work with other types of confidential information will be assessed on a case-by-case basis.

Telework is not to be viewed as a substitute for dependent/elder care. While telework may facilitate employees working around family responsibilities, employees who telework should have daycare or other supervision for any member of the household requiring care through the workday. Such situations however, may be arranged between the employee and their supervisor, at the supervisor’s discretion.

Participation in City’s telework program is at the City’s option. The City may terminate the employee’s telework privileges at any time with reasonable advance notice.

Procedure:

1. Departmental Policies

1.1. Department leadership is responsible for determining the positions that are appropriate for telework and for developing department standard operating procedures on telework to supplement this administrative regulation as necessary.

2. Prior Authorization

2.1. Employees must obtain approval from their supervisor to perform ad hoc telework.

2.2. If employees are assigned routine telework, employees must also receive prior written approval by their department director or designee.

3. Requesting Telework

3.1. The employee and their supervisor will collaborate to create a mutually suitable Telework Agreement including the tasks or scope of work to be completed at the telework site, the time frames for completion, and how work will be reported and evaluated. Both parties will sign the agreement and submit it to the department director or their designee. Once the agreement has received the necessary approval, a copy of the agreement will be placed in the employee's personnel file.

3.2. Each telework employee and supervisor shall develop a list of objectives and methods to measure the Telework Agreement's success. These objectives and measures should be reviewed and updated periodically to assure the continued success of the telework arrangement.

3.3. The supervisor shall contact the IT Department's Help Desk for any technical support and security requirements of the teleworker.

3.4. Supervisors and employees shall work collaboratively to identify safety training opportunities and address any areas of concern identified in the Telework Safety Checklist.

3.5. Employees and supervisors who participate in a Telework Agreement are expected to educate themselves on what their responsibilities are regarding Telework.

4. Eligibility

4.1. An employee is eligible for routine telework with the approval of their supervisor and the department director provided they do not work with CJI or HIPPA protected information, their job requires minimal direct supervision and face-to-face interaction or where such interaction can be scheduled successfully to permit teleworking. The telework assignment should not create additional costs, risk, or hardship to the City.

4.2. Supervisors shall use the following guidelines in selecting employees for telework:

- 4.2.1. The employee can accomplish their job without being on the premises for an agreed upon portion of their regular work schedule without detrimental impact on the productivity of the work group.
- 4.2.2. Clear work objectives can be set, tasks can be clearly defined, and results are measurable.
- 4.2.3. The employee has access to appropriate equipment at the telework site including, at minimum, a telephone where the employee can be reached regularly, a computer that has internet access and is compatible with City software, a suitable workspace, and other equipment as appropriate to the employee's job.
- 4.2.4. The employee shall have demonstrated, to the supervisor's satisfaction, their capability to work productively without direct supervision. Indicators may include consistent high performance, meeting attendance expectations (excluding protected leaves), and no relevant discipline problems in the employee's work history.
- 4.2.5. The employee has completed any probation or trial service periods for their position or has demonstrated successful competency in the essential functions of their position.

5. Ad Hoc Telework

- 5.1. Supervisors may approve ad hoc telework to allow employees to work at home for reasons that are inclusive of the policy's purpose.
- 5.2. Ad hoc telework will be permitted with the authorization of the employee's supervisor, subject to the department director's or designee's review, on a case by case basis. The terms of ad hoc telework may be clarified in a written agreement.
- 5.3. If an employee performs telework on a regular rather than on an occasional basis, the telework then becomes routine telework and a telework agreement must be entered into.

6. Telework Agreement for Routine Telework

- 6.1. Routine telework requires a written telework agreement (see attached form). The telework agreement may require modification by Human Resources to fit individual circumstances.
- 6.2. Telework is not an employee right and telework agreements shall be entered into voluntarily by both the employee and the City. Unless otherwise provided in the telework agreements, either the City or the employee may discontinue the telework arrangement at any time and for any reason. Supervisors must consult with Human Resources before discontinuing a telework agreement.

6.3. The telework agreement must clearly outline the following:

- 6.3.1. *Telework schedule:* The employee's work schedule shall be outlined and be in compliance with wage and hour laws, City administrative regulations, and any applicable collective bargaining agreement. The telework agreement must specify which hours and/or days the employee will work on City premises and which hours and/or days will be worked off City premises.
- 6.3.2. *Location:* The location of the telework site must be stated. If the location for the telework site will be a location other than a home office, the teleworker must receive approval from the supervisor to use the location as the telework site. The supervisor must consult with Human Resources if there is any question regarding the appropriateness of the location as a telework site.
- 6.3.3. *Accessibility:* The means by which the employee can be reached during off-premises work.
- 6.3.4. *Evaluation:* The criteria that will be used to evaluate the success of the telework assignment and how often the telework assignment will be evaluated. At a minimum, the telework agreement must be evaluated by the supervisor with the employee on a biannual basis, but it is encouraged that the evaluation occurs on a quarterly or monthly basis. This evaluation is in addition to the regular and consistent monitoring of the employee's telework assignments.
- 6.3.5. *Use of City resources:* Any City-owned resources the employee will use off-premises and the terms and conditions under which such resources will be used.
- 6.3.6. *Use of employee's resources:* Any employee resources that will be used and the costs for those resources will be compensated by the City. Generally, however, the City does not reimburse costs associated with teleworking and any reimbursements must meet the requirements as outlined in the Reimbursable Expenses section, of this policy.
 - 6.3.6.1. Employee must sign an acknowledgement that usage of their personal property is subject to public records law, as well as other state and federal laws, such as Health Insurance Portability and Accountability Act (HIPAA), that may require the employee to grant the City full access to their personal property for inspection and duplication of the information contained in the property.
- 6.3.7. *Telework Safety Checklist:* Affirmation the employee has conducted a self-assessment of the risk hazards of the telework site and that the supervisor has worked collaboratively with the employee to address any areas of concerns.

7. Terms of Employment

7.1. Telework does not otherwise alter the basic terms and conditions of employment.

7.2. City and departmental policies, rules, and practices shall apply to the employee at the telework site.

8. Work Hours and Accessibility

8.1. *Work Hours and Scheduling*

8.1.1. Telework arrangements must comply with any applicable collective bargaining agreement and state and federal laws including wage and hour laws which regulate the payment of overtime for non-exempt employees. This includes the scheduling of rest and meal breaks even while the employee is working at a telework site.

8.1.2. Employees must receive advance approval from their supervisor for any overtime work or flexing of their telework schedule. Employees must also report to their supervisor any absences from duty during telework hours in the same manner as if they were scheduled to be at their assigned duty station.

8.1.3. Employees will not be paid for travel between the telework site and the employee's official workstation. Any travel from the telework site and meetings at locations other than the employee's official workstation shall be compensated in accordance with state wage and hour laws.

8.2. *Adequate Time On Site*

8.2.1. The telework schedule must allow adequate regular office time for meetings, access to facilities and supplies, and communication with other employees and with customers.

8.2.2. Business visits, meetings with customers, or regularly scheduled meetings with coworkers shall not be held at the telework site.

8.2.3. Telework shall not adversely affect customer service or delivery, employee productivity, or the progress of team assignments.

8.2.4. Teleworkers shall attend job-related meetings, training sessions, and conferences, as requested by supervisors. Teleworkers may be requested to attend "short notice" meetings. When possible and effective, telephone conference calling may be offered as an alternative to in-person attendance.

8.3. *Accessibility*

8.3.1. Teleworkers will maintain accessibility during agreed upon work hours or specific core hours of accessibility as required by the City. Only the teleworker and the teleworker's supervisor will designate who will be given the teleworker's personal phone number.

8.3.2. The employee shall promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances. Supervisors may reassign employees to another project and/or work location in the event of equipment failure.

8.4. *Family Care and Duties*

8.4.1. The City recognizes that one advantage of working at home is the opportunity to have more time with dependents, but it is the employee's responsibility to ensure that they are fully accessible during work hours and able to complete work assignments on time.

9. City-Owned Equipment

9.1. All administrative regulations and department operating procedures regarding personal use of City equipment apply to employees using City equipment at a telework site.

9.2. If City equipment is used for telework, the employee must exercise the same reasonable care for the equipment as would be expected in any City work site.

9.3. Telework employees are expected to take reasonable precautions to protect City equipment from theft, damage, or misuse.

9.4. The employee may be held liable for damage caused by negligence, intentional damage or damage resulting from a power surge if no surge protector is used.

9.5. The City will provide for repairs to City owned equipment. Any such repairs will take place at City facilities or by an authorized vendor.

9.6. City equipment and/or software may not be used by other household members or any other non-City persons. City owned software may not be duplicated except as authorized in writing by the City's IT Department.

9.7. A list of any City equipment that is issued to the employee to be used in a telework site should be tracked by their department. A list of the City issued equipment should also be maintained on the telework agreement and updated as needed.

9.8. The IT Department will define the standards related to computer-related equipment issued to the employee and will maintain a list of supported equipment.

10. Employee-Owned Equipment

- 10.1. If City issued equipment is not otherwise available, teleworkers may use their personal computers, equipment, and/or software for telecommuting purposes, provided that it is compatible with the City's configuration.
- 10.2. The employee will be responsible for the maintenance of their equipment and software, and for ensuring that their software is free of viruses in accordance with the guidelines set forth by the City's IT Department. Employees must follow approved policies and practices with regard to protecting data. Remote equipment connected to any City system must conform to City policy including the usage of encryption software or hardware to protect stored data. Teleworkers are encouraged to contact the City's IT Department for consultation on appropriate hardware and software to minimize the chances of data theft or corruption.
- 10.3. The City will not be responsible for damages or losses that occur to the employee's equipment and property resulting from the telework process.
- 10.4. Information produced by teleworkers in the pursuit of City business is subject to public record requirements regardless of the ownership of equipment used. If the teleworker owns the equipment being used for City business, the information on that equipment is subject to the discovery process in the event of a public records request or litigation related to City business. Protected health information as defined by state law and the HIPAA is also subject to privacy or security investigations. Employees may be required to provide the City with full access to their personal computer, equipment, and property in order for the City to respond to record or information requests, subpoenas, court or administrative orders, and HIPAA privacy or security investigations.

11. Telework Product and Records

- 11.1. Work done on behalf of the City at the telework site is considered official City business. Products, documents and records used by/or developed while teleworking shall remain the property of the City and are subject to department and City rules regarding confidentiality, disclosure, and records retention requirements.
- 11.2. Any records, products, or documents that are covered by HIPAA shall not be used at home without written permission from the employee's manager. Additionally, if any identifiable protected health information or personally identifiable information is electronically transmitted, it must be encrypted.
- 11.3. If there are known or suspected breaches of confidentiality of protected health information, personally identifiable information, or CJIS, the employee must immediately report the breach to their department leadership.

- 11.4. The teleworker will apply approved safeguards to protect physical records and property. All records, correspondence, and equipment must be kept in a secure location to prevent damage, theft, or unauthorized disclosure.
- 11.5. Release or destruction of any public records must only be done at the official workstation according to statute and regulations. The teleworker must adhere to confidentiality requirements of all data and records.
- 11.6. Teleworkers must seek advance approval from their supervisor before removing documents, files, supplies, or equipment from City premises to take to a telework location. Any such items should be promptly and securely returned to City premises as soon as the teleworker has completed the assignment. Supervisors and teleworkers are responsible for maintaining an inventory of items that teleworkers remove from City premises and take to a telework site.

12. Workplace Health and Safety

- 12.1. The City's responsibility and accountability for employees' health and safety while working at home is essentially the same as that when employees work in their assigned City work location. For this reason, employees are required to maintain a separate, designated work area at home.
- 12.2. Teleworkers will be expected to set up and maintain the designated workspace in a safe, unobstructed and clean fashion and maintain the designated work area so that it complies with all laws regulating work areas. This includes, but is not limited to, the following basic safety precautions:
 - 12.2.1. Avoid obstructions in the work area.
 - 12.2.2. Eliminate trip and fall hazards.
 - 12.2.3. Ensure proper lighting, ventilation and appropriate furniture.
 - 12.2.4. Avoid using a single power outlet for computer and other electrical extension cords.
- 12.3. The Telework Site Safety Checklist must be completed prior to any telework activity governed by this policy. Any questions about the safety of a telework site should be referred to Risk Management.

13. Ergonomic and Safety Assessment Inspections and Training

- 13.1. The City has the right to visit an employee's home telework site during normal work hours to ensure that it meets City safety standards; such routine visits will be scheduled with at least twenty-four (24) hours advance notice.
- 13.2. Upon request, Risk Management will provide the employee with individualized safety training and conduct a site-specific hazard assessment of the home telework site. Employees are encouraged to request ergonomic training and assessment services

prior to implementing the Telework Agreement, but such requests can be made at any time. Ad hoc teleworkers are also encouraged to participate in ergonomics training as a personal effort to identify and address potential risk factors associated with the work site.

14. Workers' Compensation

- 14.1. Standard workers' compensation practices apply and employees are covered by applicable laws for illness or injury occurring during the course and scope of work. If injured while working at a telework site and during telecommuting work hours, the teleworker must report the injury to the supervisor immediately, following standard City reporting procedures.
- 14.2. The City does not assume responsibility for injury to any persons other than the employee at the employee's residence or alternate workspace within it.
- 14.3. Compensability of all workers' compensation claims are thoroughly investigated by the designated third party administrator. Depending on the nature and the severity of the injury, an on-site investigation may be initiated immediately upon notification. Securing the scene can be critical for OR-OSHA compliance and employer responsibility determination. The on-site investigation will be performed by the employee's supervisor. The investigation may include a site inspection with less than twenty-four (24) hours' notice to the employee.

15. Reimbursable Expenses

- 15.1. The City will only reimburse the employee for expenses the employee would have had if the employee were working in the office.
- 15.2. The City will not reimburse an employee for expenses related to an internet connection for the telework site.
- 15.3. Supplies required to complete assigned work at the telework work site shall be obtained from the City during the teleworker's in-office work periods.
- 15.4. The City will not reimburse employees for their personal purchase of printer ink or toner. Employees should arrange their schedule to print documents while at their City worksite.
- 15.5. Reimbursable expenses must be pre-approved by an employee's supervisor in advance, documented in writing on the Telework Agreement form, and meet the requirements of the City's Finance Department.
 - 15.5.1. All expenditures/reimbursements must be prudent to the public.

15.5.2. All reimbursement requests must be accompanied by the original supporting receipts of documentation.

16. Employee Computer Security

- 16.1. The IT Department may maintain a list of resources, required security guidelines, and a self-assessment checklist for employees to use to help secure access to City systems. The IT Department is available to help teleworking employees with their home computer security.
- 16.2. If employees engage in telework that is covered by HIPAA, they shall adhere to City privacy and security policies and, as well as any department guidelines or procedures.
- 16.3. If an employee does not maintain secure access according to City standards, they may lose the right to telework.
- 16.4. Employees are responsible for following all security guidelines including ensuring software and applications are currently updated with security patches, maintaining a firewall and updated anti-virus and anti-spyware programs, and keeping their operating system configured securely.

17. Termination or Suspension of a Telework Agreement

- 17.1. Teleworking is a privilege rather than a universal employee benefit or right. The City has the right to offer telework to an employee and to unilaterally terminate a Telework Agreement upon fourteen (14) days' written notice.
- 17.2. Telework is a voluntary program unless specifically stated as a condition of employment. Employees may decline telework if the option is presented. The employee may also discontinue the arrangement at any time, unless otherwise specified in the Telework Agreement.
- 17.3. Telework may be temporarily suspended due to the City's operational needs.
- 17.4. Supervisors should monitor the work environment for any negative effects a telework assignment may have on their department or work group and may need to suspend or terminate the telework assignment to ensure equal workloads.

Definitions

1. "*Ad Hoc Telework*" is identified as occasional or infrequent telework.
2. "*Home Office*" is a work site provided by the employee in the employee's residence.

3. “*Official Workstation*” is an employee’s assigned place of work or duty station at a City location.
4. “*Regular Office Hours*” are the agreed upon set of hours during the day when the supervisor and co-workers can always communicate with the teleworker.
5. “*Routine Telework*” is telework which is on a regular or recurring part of the employee’s work schedule.
6. “*Telework*” is a mutually agreed upon work arrangement between the City and the employee where the employee performs work at an alternate worksite on specified days and at the employee’s regular worksite the remainder of the time retaining flexibility as necessary to meet the needs of the work unit.
7. “*Telework Agreement*” is a written agreement between the City and the employee outlining the work schedule, duties, and performance standards for the teleworking employee. A model Telework Agreement is attached to this administrative regulation and is incorporated herein by reference.
8. “*Telework Site*” is a workplace other than the employee’s regular work location that is approved by the employee’s supervisor as suitable for teleworking.
9. “*Telework Site Safety Checklist*” is the checklist required to assess risk hazards of the telework site prior to supervisor approval of a Telework Agreement. It is the teleworker’s self-assessment of workspace hazards designed to address and resolve deficiencies, so the space can be designated by the City as a City worksite. The Telework Site Safety Checklist is attached to this Personnel Rule and is incorporated herein by reference.

Resources:

Administrative Regulation:

1. [Americans with Disabilities Act \(ADA\) - Admin Reg. #03-07.02](#)
2. [Alternative Work Schedules - Admin Reg. #03-01.07](#)
3. [Acceptable Use of City Network Services & Computing Devices – Admin Reg. #04-01.01](#)

Forms:

1. [Telecommuting Request Form](#)
2. [Telework Self-Assessment Form](#)
3. [Telework Site Safety Checklist](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Nancy Newton, City Manager	Dates:	8/11/2021
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	N/A		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:			
	Revised By:			
	Approved By:		Date:	
	Reason/Summary of Changes:			