



## **SAN JOAQUIN COUNTY**

### **COVID-19 Telework Program Agreement December 2020**

#### **PURPOSE:**

The purpose of the Telework Program Agreement is to ensure that essential functions continue at an alternative location during the disruption of normal operations. The department is implementing this agreement to keep with the department mission and the respective County departments we serve. This agreement is being initiated due to the current status of County Operations and can be terminated or withdrawn, if deemed necessary, at any time.

#### **PROJECT FRAMEWORK:**

The Director of DEPARTMENT NAME or designee will assess and determine likely candidates to participate in the teleworking program during the COVID-19 emergency. Potential candidates must agree to participate; participation will be voluntary. Any agreement allowing an employee to telework shall be pursuant to the procedures identified within this document. It is intended that allowing employees to telework will ensure the County remains in compliance with the Governor's Stay at Home Orders and will diminish the likelihood of COVID-19 infection while allowing for the ongoing conduct of County business without impact to the operations of the department or service to its customers. The duties, obligations, responsibilities, terms and conditions of employment are not changed when an employee engages in teleworking.

#### **AUTHORITY:**

Approval for any individual employee to engage in the telework program is at the sole discretion of the Department Head or designee. The Department Head or designee reserves the right to accept or reject an employee's request to telework based on what is in the best interest of the department and County, and is consistent with existing applicable County policy. Should an employee's request be denied, the decision is final and not subject to grievance procedure, complaint, or any other appeal. The employee may request to meet with the Department Head or designee to discuss the reason for denial.

Participation in the telework program is not mandatory. Employees must volunteer to participate in the telework program. The Department Head or designee shall determine which employee (and their associated work assignments) are appropriate for the teleworking program.

No employee may engage in teleworking without the express written consent of the Department Head or designee. Teleworking is not an employee entitlement, and the employee, upon notice, may be returned to a non-teleworking arrangement at the will of the Department Head or designee.

*Nothing in this document shall be construed to limit, amend, decrease, revoke or otherwise modify the rights vested in the County by any law regulating, authorizing or empowering the County to act or refrain from acting.*

## **CRITERIA FOR DETERMINING ELIGIBILITY TO PARTICIPATE:**

The following criteria may be considered in determining an employee's eligibility to participate in the teleworking pilot project:

- Work assignments or job duties that allow the employee to be away from the office, including risk factor associated with performing the job duties from a location separate from the County worksite.
- Has department approval to participate in the program.
- Have satisfactory performance rating on current performance evaluation, with no documented performance issues.
- Be able to work independently.
- Be able to manage time effectively as determined by the supervisor.
- The nature of the work which will be performed, including the need for, and amount of, interaction with the public, co-workers, and subordinates required by the position.
- The ability or lack thereof to measure employee output or work product.

## **DEFINITIONS:**

- Teleworking – The practice of a County employee engaging in authorized work for the County at a teleworking site.
- Teleworker – A County employee engaging in authorized work for the County while at a teleworking site.
- Teleworking Site – A location identified by the Department Head or designee to be an alternate work site for the purpose of conducting authorized work for the County.
- Telework workspace – The designated area within a teleworking site where authorized work is performed for the County.
- Scheduled Teleworking – Any teleworking arrangement that includes scheduled teleworking for more than one business day in a calendar month.

## **CONDITIONS:**

### **Working Conditions**

- All employees conducting work for the County at a teleworking site shall comply with all County ordinances, rules, policies and procedures, including the Information Security Program Acceptable Use Policy. Teleworking employees will be held to a higher standard of compliance than non-teleworking employees due to the nature of the work arrangement. Additional requirements may be imposed for teleworkers as deemed appropriate by the Department Head or designee.
- Teleworking arrangements will be made for approximately one month and may be discontinued, at will, at any time at the request of either the teleworker or the County. Evaluation of teleworker performance will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives.
- Those authorized to telework are expected to perform work for the County at the teleworking site. Teleworking is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of teleworking with family members prior to entering into a trial period.

- Responsibility for fulfilling all obligations regarding tax and other legal implications for the business use of the teleworker's home based on Internal Revenue Service (IRS) and state and local government restrictions rests solely with the teleworker.
- Work hours while teleworking shall be specified by the Department Head or designee and shall be adhered to consistent with the Ordinance Code, applicable Memorandum of Understanding (MOU) or Resolution, and the provisions of the Fair Labor Standards Act (FLSA). No teleworker shall incur overtime hours without prior authorization. Teleworking schedules may be subject to revision as deemed appropriate by the department.
- Requests for leave (including vacation leave, sick leave, personal leave, etc.) shall comply with departmental policy and county ordinance.
- All teleworkers shall be available by telephone and/or computer as specified by the department, with anticipated 15-minute call back times. Teleworkers may be required to report to the County worksite when directed by the department. Such change in schedule does not constitute temporary reassignment and is not subject to mileage reimbursement.
- Teleworkers shall perform only County related work as specified by their supervisor during scheduled teleworking work hours.

### **Provision and Maintenance of Equipment**

- Because this program is voluntary, teleworkers are responsible for providing basic business equipment at the teleworking site. This includes any furniture, fixtures, printer, telephone, internet, and telephone access that may be required to perform work while at the teleworking site. The cost of providing the basic equipment listed above shall be borne by the teleworker. Maintenance of such furniture and equipment shall be the responsibility of the teleworker. The department may provide additional selected equipment on an exception basis upon approval of the Department Head or designee.
- Equipment supplied by the County will be maintained by the County. The County accepts no responsibility for damage or repairs to teleworker-owned equipment. The teleworker shall sign an inventory of all County property and agrees to take appropriate action to protect the items from damage or theft. Upon termination of employment all County property will be returned to the County, unless other arrangements have been made.

### **Minimum equipment requirements**

- At a minimum, the teleworking site must have the following equipment available and in good working order: high speed internet connection; a telephone that is available during teleworking hours; a desk or table suitable for performing assigned work; a chair that meets the ergonomic requirements of the teleworker; and any other equipment required to ensure a safe and ergonomically correct workspace.

### **Supplies**

- Any County supplies provided to a teleworker such as paper, pens and letterhead shall only be used for authorized County work. Unused quantities must be returned to the department upon completion of the teleworking agreement.

### **Teleworking site inspection**

- A representative from the County may make on-site visits to the teleworking site for the purposes of conducting County business and/or ensuring that the worksite is safe, free of hazards and in compliance with this policy. A representative may also make on-site visits when appropriate to inspect, retrieve or repair County property. There would be a 48-hour notice provided to the teleworker for said site inspections.

**Telework workspace designation**

- Employees on scheduled teleworking shall designate a workspace within the teleworking site. The employee shall perform authorized work for the County within the telework workspace.

**Telework workspace maintenance**

- Teleworkers must maintain the designated telework workspace in a safe and professional condition at all times. The workspace must remain clean, free of obstructions, free of hazardous materials. A basic first aid kit must be maintained at all times while working at a teleworking site. The pathway to and from the telework workspace shall be kept clear and free of obstructions. The teleworker will be self-certifying the safety of the telework workspace.

**Workers' Compensation**

- In the case of a work related injury or illness, Teleworkers must notify their supervisor immediately and complete all necessary documents regarding the work related injury/illness.

**Liability**

- The County shall not be held liable for injuries to third parties and/or members of the employee's family that occur on the teleworking site. The County is not liable for damage to the employee's teleworking site or real property.

**Information Security**

- Employees have responsibility for the security of the data and other information they handle while teleworking. All teleworkers shall take all precautions necessary to secure and protect County information at the teleworking site and to prevent unauthorized access to any County software systems or information.
- Teleworkers must comply with Countywide and departmental information security policies and maintain security of any relevant materials, including files, correspondence, and equipment. If County-owned equipment is stolen, the employee must report the incident to their supervisor within 2 business days of their knowledge of said theft.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

Department Head or Designee Signature: \_\_\_\_\_ Date: \_\_\_\_\_