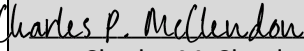


CITY OF CATHEDRAL CITY		HR-AP 12	
ADMINISTRATIVE POLICY			
DocuSigned by:	Approved by:	Distributed by	Original Date
 <small>55106F45607401</small> Charles McClendon, City Manager		Human Resources	November 2021

SUBJECT

TELECOMMUTING POLICY

PURPOSE

The purpose of the policy is to allow certain employees, subject to their execution of a Voluntary Teleworking Agreement, the flexibility to Telework from an Alternative Worksite for some or all of their regularly scheduled work hours while continuing to ensure employees perform their job duties, and in so doing provide quality work in a timely manner, and to the benefit of the public.

DEFINITIONS

“Alternative Worksite” means the employee’s home, place of residence or from another location approved by the City of Cathedral City other than the employee’s normal workplace at a City worksite or facility.

“Telework(ing)” means a work arrangement under which an employee works from their home, place of residence or from another location other than the employees’ normal workplace at a City worksite or facility (“Alternative Worksite”) for all or a portion of their regularly scheduled work hours.

“Work Schedule” means the days and hours determined by supervisors or managers during which non-exempt, overtime eligible employees should be in attendance at the Alternative Worksite. The Work Schedule shall provide for and include the rest and meal breaks required under applicable federal and state law as well as under contract.

SCOPE OF POLICY

This policy covers Teleworking voluntarily requested by a City employee and provided by the City of Cathedral City, subject to certain conditions and requirements.

ELIGIBILITY CRITERIA

The City Manager, or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy.

The City Manager, or their designee, may make such determination using criteria including, but not limited to, the following:

1. The operational needs of the agency and employee's department and division;
2. The disruption of or potential for disruption to the agency's functions;
3. The ability of the employee to perform their job duties (both essential and marginal) from an Alternative Worksite without diminishing the quantity or quality of the work performed;
4. The degree to which the employee's job functions require face-to-face interaction with other agency employees, contractors and members of the public;
5. The employee's job performance, as determined by their last performance review;
6. The employee's length of service with the agency, department or division;
7. The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions;
8. The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternate Worksite for the employee at a reasonable cost;
9. The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at an agency worksite;
10. The agency's capacity to monitor and measure the employee's work performance at the Alternate Worksite;
11. The employee's supervisory responsibilities;
12. The employee's need for supervision; and
13. Other considerations deemed necessary and appropriate by the agency, including tax and other legal implications of teleworking.

PROCESS FOR AN EMPLOYEE TO REQUEST TO TELEWORK

To make a request for a Teleworking arrangement, employees must complete a Voluntary Telework Request Form and file the completed request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Head, or their designee, and will discuss the employee's request with the Human Resources Manager, or their designee.

In consultation with or based on information provided by the employee's supervisor or manager, the Human Resources Manager, or their designee, will make a determination regarding the employee's request to telework.

The Department Head will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework.

FINAL DETERMINATION: NO RIGHT TO APPEAL

The decision of the Department Head regarding an employee's Teleworking request is final and binding. Neither the employee nor the employee's employee organization possesses any right to appeal or grieve the decision.

APPROVAL OF REQUESTS; VOLUNTARY TELEWORK AGREEMENT

An eligible and qualified employee who has requested and been granted the opportunity to Telework, must execute a Voluntary Teleworking Agreement (“Agreement”) prior and as a precondition to the employee teleworking.

The Agreement shall provide the mutual understanding of the employee, the employee’s supervisor or manager, the Department Head and Human Resources concerning the teleworking arrangement.

MANDATORY TELEWORKING ARRANGEMENTS DURING EXIGENT CIRCUMSTANCES

Where an exigent circumstance exists, the City of Cathedral City may direct employees to remain at their homes or places of residence and the City of Cathedral City adopt and implement a short-term teleworking arrangement for such employees in order to provide for the continuity of essential services provided by the City of Cathedral City.

Exigent circumstances means a situation in which there is an imminent threat of extreme peril to life, property and resources. Exigent circumstances may include, but are not limited to, war, public health emergencies, power failures, natural and man-made disasters, and other states of emergency.

Where such an exigency exists and necessitates the adoption and implementation of a short-term mandatory teleworking arrangement for City of Cathedral City employees, the City Manager is expressly authorized to suspend some or all provisions of this policy and adopt and implement alternative provisions necessary to provide for the continuity of essential services.

DUTIES, OBLIGATIONS AND RESPONSIBILITIES FOR TELEWORKING EMPLOYEES

Teleworking employees must adhere to the provisions set forth in these policies, including, but not limited to the following:

GENERAL DUTIES, OBLIGATIONS, AND RESPONSIBILITIES

1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all City of Cathedral City and departmental policies and procedures, rules and regulations.
2. All of the Teleworking employees’ existing supervisory relationships, lines of authority and supervisory practices remain in effect.
3. Teleworking employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected of City of Cathedral City employees in terms of job responsibilities, work product, timeliness of assignments, and contact with other City of Cathedral City employees and members of the public.
4. Teleworking employees are required to be accessible in the same manner as if they are working at a City of Cathedral City worksite or facility during the established teleworking Work Schedule, regardless of the designated location for teleworking, or Alternate

Worksite. Teleworking employees must be accessible via telephone, email, and/or network access to their supervisor and other City of Cathedral City employees while Teleworking, as if working at their Agency. Teleworking employees shall check their City of Cathedral City-related business phone messages and emails on a consistent basis, as if working at their City of Cathedral City worksite.

MISCELLANEOUS

1. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
2. Teleworking employees must have access to an Alternate Worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
3. Teleworking employees shall ensure that all official City of Cathedral City documents are retained and maintained according to the normal operating procedures in the same manner as if working at a City of Cathedral City
4. Teleworking employees must ensure dependent care will not interfere with work responsibilities.

WORK SCHEDULE, OVERTIME, LEAVE, BENEFITS

1. For non-exempt employees, the City of Cathedral City will either provide such employee: (1) a work schedule that will be included in the Agreement, and which will include meal and rest breaks ("Work Schedule"); or (2) authorization to work on an intermittent basis.
2. For non-exempt employees assigned a Work Schedule, any deviation from the Work Schedule must be approved in advance, in writing, by the employee's supervisor or manager and the Department Head.
3. Non-exempt employees may not Telework outside their normal work hours without prior written authorization from their supervisor or manager and the Department Head. A non-exempt employee who fails to secure written authorization before Teleworking outside their normal work hours may face discipline in accordance with the City of Cathedral City's policy for working unauthorized overtime.
4. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, must take meal and rest breaks while Teleworking as required under applicable law and/or under applicable contract or City of Cathedral City
5. For non-exempt employees assigned a Work Schedule, all periods of Teleworking employees' unavailability must be approved in advance by their supervisor or manager and the Department Head in accordance with City, Agency or Department policy and documented on the appropriate leave request form. For non-exempt employees authorized to work intermittently, all periods of Teleworking employees' unavailability lasting longer the [Insert period of time] must be approved in advance by their supervisor or manager.
6. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to report in a timely manner all hours worked at the Alternate Worksite and make that record available to their supervisor upon request. Employees shall record all non-productive work time on their timesheet.

7. Employees shall continue to abide by City of Cathedral City policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
8. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to request to work overtime in advance of doing so and such requests must be pre-approved in writing by the employee's supervisor or manager.
9. Teleworking employees' salary and benefits remain unchanged during the Teleworking arrangement.
10. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The City of Cathedral City 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.

SPACE AND EQUIPMENT, INFORMATION SECURITY, CONFIDENTIALITY

1. Teleworking employees will either receive approval to use personal computer equipment or will be provided with City of Cathedral City-issued equipment at the discretion of the City Manager.
2. If the City of Cathedral City provided any City of Cathedral City-issued equipment, teleworking employees agree to follow the City of Cathedral City's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to City of Cathedral City owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
3. Where, in response to a request to Telework, the City of Cathedral City allows an employee to Telework, the City of Cathedral City shall not be responsible for Teleworking costs, including, but not limited to, the employee's use of their home or place of residence, their personal computer, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the Agreement.
4. Employees must take reasonable precautions to ensure their devices (*g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the City of Cathedral City's network and must close or secure all connections to City of Cathedral City desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for the City of Cathedral City. Employees must maintain adequate firewall and security protection on all such devices used to conduct City of Cathedral City work from the Alternate Worksite.
5. Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the City of Cathedral City's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to City of Cathedral City work

they access from the Alternate Worksite or transport from their City of Cathedral City worksite to the Alternate Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their City of Cathedral City worksite to the Alternate Worksite. Teleworking employees must return all records, documents, and correspondence to the City of Cathedral City at the termination of the Agreement or upon request by their supervisor or manager, Department Head or Human Resources.