

Tele-Commuting INTER-DEPARTMENTAL POLICY AND PROCEDURE

EMERGENCY EVENT TELECOMMUTING POLICY

PURPOSE

This policy defines the City's use of telecommuting and establishes guidelines and rules for telecommuting when it is a viable work arrangement. Telecommuting is intended to create flexible conditions that will help employees accomplish their work effectively without disruption to City services especially leading up to, during and/or immediately after emergency events. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a **City-wide** benefit, and it in no way changes the terms and conditions of employment with the City of Tyler.

BACKGROUND

In the event of a wide scale emergency, and when authorized by the City Manager or an authorized designee, the City of Tyler realizes a need to develop a formal process to implement telecommuting to preserve the environment and for the safety and wellbeing of our employees and citizens of the community.

DEFINITIONS

- **Telecommuting** – an arrangement in which an employee regularly performs work at an alternative work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Tyler business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.
- **Telecommuter** – an employee who has an approved telecommuting work arrangement agreement on file and working from approved alternate work site.
- **Alternate Work Site** – an employee will establish an appropriate work site within their home for work purposes. The City of Tyler will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

SCOPE

Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite

in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services.

A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Tyler. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Tyler considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Tyler policies and procedures while working at the alternate work site.

The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and will be required to complete a Telecommuting Work Arrangement Agreement which will outline the hours available, contact information, and expectations/deliverables. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the work flow. Telecommuting will not affect an employee's compensation, benefits, work status or work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Sugar Land.

PROCEDURES & RESPONSIBILITIES

Procedures

Emergency Event

In the event of a wide scale emergency that could impact our community, the City Manager of the City of Tyler, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

Eligibility

Before entering into any telecommuting agreement, the Employee and Director, with the assistance of the Human Resource Department or the **Managing Director**, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. 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.

An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to and formalized in the Telecommuting Work Arrangement Agreement, the Department Director and the City Manager must approve and sign the form.

Equipment

On a case-by-case basis, City of Tyler will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources and Information Technology Departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Tyler accepts no responsibility for damage or repairs to employee-owned equipment. City of Tyler reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all City of Tyler property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements have been made.

City of Tyler will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Tyler will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting 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 telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering an agreement.

Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the **Supervisor and Department Leader**. Failure to comply with this requirement may result in the immediate termination of the Telecommuting Work Arrangement Agreement.

Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects, **crisis precautions (i.e. quarantine)** or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

ACCOUNTABILITY

Refer to the Employee Policy Manual **and Departmental Policies**.

ENFORCEMENT

Managing Director and/or Key Leader, with assistance from Human Resources and Information Technology will be responsible for enforcement of this policy.

POLICY HISTORY

- 2020: Policy created

FORMS / EXHIBITS

Telecommuting Work Arrangement Agreement (F1)