



Personnel and Administrative Policy and Procedure

SUBJECT: Telework	EFFECTIVE DATE: 8/10/2021 ESTABLISHED: 8/10/2021 REVIEWED: REVISED: NEW: formerly part of Commute Options Policy
CATEGORY: 200 POLICY NUMBER: 200.15	CROSS REFERENCE: Commute Options 200.7

Purpose: Telework may be used to increase productivity, reduce employee commute trips, and accommodate special needs of employees and the city. Telework allows work arrangements to be tailored to each work units' unique requirements. The City will use telework in situations where it will work to the mutual benefit of employees, the City, and the City's customers. The telework program may be discontinued at any time, with reasonable advance notice, at the sole discretion of the City. This policy does not apply to employees represented by the Milwaukie Police Employee Association.

Eligibility: Full-time, regular status non-manager employees working a five-day 40-hour week, not in a trainee/intern or probationary status, are eligible to request telework accommodation. Employee must be an Oregon resident.

Telework Days: Telework approved employees who qualify must be in the office at least three full days per week on a regular and consistent schedule Wednesdays and Monday/Friday combination as the two teleworking days are not an option for teleworking.

Approval Criteria: Approval shall be based generally on the requesting employee meeting all the following criteria:

- Employed with the City for a minimum of six months continuous, regular employment at the time telework is requested.
- The employee has demonstrated strong ability to work independently with minimal oversight.
- Employed in a position suitable for telework:
 - Nature of the work requires minimal direct customer (internal and external) facing.
 - There is minimal need for specialized material or equipment.
 - Employee's job is not dependent upon location of the workplace and has tasks and deliverables that can be easily defined, monitored, and measured at other than the traditional worksite.



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- Sufficient in-person coverage for related city services such as, but not limited to, fully trained and knowledgeable Planner/Engineer/Building Tech-On-Duty, for the requested tele-workday.

The City will make an exception to these eligibility requirements when an employee with a recognized disability or medical need under federal or Oregon law requests telework as a reasonable accommodation and provides verification from a health care provider of the Employee's need for telework (subject to the City's determination of whether providing telework as an accommodation would create an undue hardship on City operations).

The City reserves the management right and sole discretion to add to or change any of the eligibility requirements described in this policy without bargaining obligation. Employees requesting formal telework arrangements must agree to enter a Telework Agreement with the City.

Terms of Employment

- An employee's work schedule may include telework on a part-time basis. Telework can be informal, such as working from home for a short-term project, during inclement weather, or on the road during business travel, or formal, as described below. All informal telework arrangements are made on a case-by-case basis, focusing first on the business needs of Employer.
- Any telework arrangement made will be on a trial basis for the first three months, and may be discontinued, at will, at any time at the request of either the Employee or the City. At the conclusion of the trial period the employee and their manager will each complete an evaluation of the arrangement. The manager will make decisions for continuance or modifications.
- The City maintains the sole discretion to discontinue a telework arrangement if the employee is placed on corrective action. Such discretion is not subject to grievance.
- Professionalism in terms of job responsibilities, work products, and customer or public contact will continue to conform to the same high standards as currently being met by employees at their onsite work locations. While teleworking, the employee must be reachable via telephone, internet communication (such as MS Teams or e-mail), or other mutually agreeable technology during agreed-upon work hours, as if the employee was in the office. The employee's duties, obligations, and responsibilities will not change solely because of telework. The employee will meet or communicate with their supervisor as often as the supervisor believes is necessary to receive assignments, review work progress, and complete work. Employees are required to attend meetings at an assigned work location at a city building or facility as determined by the supervisor, even if such meetings occur on a day the employee is usually teleworking.



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- The city retains the ability to require an employee to work in the office in order to meet city needs, regardless if the day was a scheduled telework day.
- Employee's salary, benefits, worker's compensation, and other insurance coverage will not change due to a telework schedule if the working hours remain the same.
- A non-exempt, teleworking employee shall not work overtime unless the employee has received prior approval from the supervisor. Failure to obtain prior approval for overtime work may result in discontinuation of telework and/or other appropriate disciplinary action. Non-exempt employees are responsible for accurately recording all hours worked, including time spent after the close of normal business hours to respond to work-related email, answering calls and/or text messages.
- Travel from Employee's home to Employee's assigned City work location will be considered commuting mileage and will not be reimbursed and is not considered work time. If employee is called in to assigned City work location during a telework day, the commute is considered work time.
- Employees will be expected to adhere to all City policies during Employee's telework arrangement.
- Employee understands telework is not a substitute for dependent care or care for others. The employee agrees to make necessary arrangements to ensure full attention to duties and assignment during the agreed-upon work hours.
- Telework employees shall not perform personal business or activities during agreed-upon work hours.
- The availability of telework can be discontinued at any time at the City's sole discretion without grievance. Every effort will be made to provide 30 days' notice of such a change to accommodate commuting, childcare and other concerns arising from such a change. There may be instances, however, when limited or no notice is possible, but attempts will be made to provide notice as much as possible.

Work Site

- Telework worksite must be within 45 miles of the city workplace, typically at the employee's residence. Telework from other than the designated telework worksite must be approved in advance and must be within 45 miles of the city workplace.
- A designated workspace shall be maintained by Employee that is quiet, free of distractions, and kept in a clean, professional, and safe condition, with adequate lighting and ventilation. Employees may be asked to provide verification of safe workplace conditions, if necessary. The City reserves the right to make a home visit if verification provided by the employee is insufficient.



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- The City is not responsible for operating costs, home maintenance, property or liability insurance, or other incidental expenses (utilities, cleaning services, etc.) associated with the use of Employee's residence.
- The City is not liable for damages to the employee's property resulting from participation in the telework program.
- Employees are advised to contact their insurance agent, accountant and/or tax consultant for information regarding coverage for working at home. The City will not provide tax, insurance or legal advice.

Supplies, Equipment, and Software Usage

- Equipment provided or purchased by the City for Employee to assist with telework will be maintained by the City. All provided and purchased equipment must be returned when the employee is no longer teleworking, or when employment has been terminated. The City does not guarantee the purchase of equipment for a teleworking employee. Employee will be responsible for taking all necessary action to protect the City's equipment against damage or theft.
- Equipment supplied by Employee, if deemed appropriate by the City, will be maintained by the Employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Within one week of beginning a telework arrangement, Employee must provide a list of equipment Employee is supplying that will be used in connection with the telework arrangement.
- Employee's out-of-pocket expenses for supplies, which are normally available in the employee's regular work location, will not be reimbursed. Other supplies, as needed, must be requested by the employee, and approved by the manager.
- Employee will provide their own Internet access and equipment necessary to access the Internet. When using a public network, Employee must access the City's Virtual Private Network to ensure internet transmissions are secure. There will be no reimbursement for employee's internet services.
- Use of City equipment, communications, and software systems by telework employees are subject to existing City policies.
- A computer used for City business must be plugged into a surge protector and have current virus protection maintained.
- Employee shall promptly notify their manager when unable to perform work assignments due to equipment failure or other unforeseen circumstances. The employee may be assigned to another project and/or a work location that may necessitate termination of the telework agreement, or the employee may be required to use appropriate leave banks to cover the hours the Employee is unable to telecommute.



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Equipment provided by the City will be repaired or replaced in a timely manner consistent with similar technology requests.

- The City may pursue recovery for property damaged, destroyed, or stolen while in the employee's care, custody, or control if such loss results from the employee's intentional act or negligence.

Security

Teleworking employees must protect the City's information from unauthorized disclosure or damage in compliance with Federal and Oregon law, and City rules and policies. Work done at an employee's telework site is regarded as official City business. All records, documents, and correspondence, either in paper or electronic form must be safeguarded for return to the City. Destruction of records should be done only in accordance with Oregon or federal law and City policy, and with the knowledge of the employee's supervisor. Electronic/computer files are considered City records and shall be protected as such. Employees must surrender all City-owned equipment and/or data documents immediately upon request.

Requesting a Telework Arrangement

Employees interested in requesting a telework arrangement should speak with their manager. Employee and their manager must discuss the suitability of a telework arrangement and consider: (1) whether the job performed by the Employee is appropriate for telework; (2) equipment needs; (3) workspace considerations; and (3) scheduling issues. If Employee and their manager agree on these issues, a telework agreement will be prepared and signed by all parties.

Discipline

If an employee violates any term of this policy, or the Telework Agreement, the employee's telework privileges may be immediately revoked and the employee may be subject to discipline, up to and including termination.

The employee's manager may terminate the employee's telework privileges at any time