

- Category:** 300 Employment
- Number:** 331
- Subject:** TELECOMMUTING POLICY
- Purpose:** The purpose of this policy is to: Define employee's eligibility, duties, obligations, job responsibilities, and standards of performance when working remotely.
- Authority:** St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion.
- Application:** This policy speaks primarily to County Officials, Appointed, Elected and Confidential and Non-Union Employees (CANUE). Employees who are members of Unions should consult the applicable collective bargaining agreement. Where a collective bargaining agreement is silent, this policy will apply.
- Responsibility:** The Administrator/Controller shall be responsible for the implementation and administration of this policy.

Policy:

Telecommuting is a privilege, not a right. All employees who telecommute must have an approved telecommuting agreement under this policy. A department may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of County employment. Telecommuting employees must comply with all County rules, policies, practices, and instructions.

A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite.

A supervisor or a department head may deny, end, or modify a telecommuting agreement for any business reason. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time. Employees may be removed from the Telecommuting Program if they do not comply with the terms of their telecommuting agreements.

The Telecommuting Policy and Program is intended to be cost neutral. The County is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.).

Department Heads have the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. Departments providing equipment, software, or other supplies to telecommuting employees must have funds available in their existing budget to cover the cost and reasonably allocate those resources based on operational and workload needs.

All County rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using County-provided or personal equipment.

Eligibility

Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well-suited for telecommuting.

A. Position eligibility

An employee's position may be suitable for telecommuting when the job duties:

1. Are independent in nature
2. Are primarily knowledge-based
3. Lend themselves to measurable deliverables
4. Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or the public, in person or by phone
5. Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible
6. Are not essential to the management of on-site workflow

B. Employee Eligibility

Employees may be suitable for telecommuting when their personal characteristics, as determined by the supervisor, include:

1. Demonstrated dependability and responsibility
2. Effective communication with supervisors, coworkers, and clients
3. Demonstrated motivation
4. The ability to work independently
5. A consistently high rate of productivity
6. A high level of skill and knowledge of the job
7. The ability to prioritize work effectively
8. Good organizational and time management skills

C. Ineligible Positions and Employees

1. Employees who are not upholding County obligations, such as meeting performance or conduct expectations, are not eligible to telecommute.
2. Positions where work is entirely, or primarily, location-dependent, or requires access to resources that are not allowable or practical from a remote location.
3. Positions requiring daily face to face interaction with individuals.
4. The work requires access to computer databases and/or highly secure or protected information in which access is not permitted or possible from the remote location according to departmental and legal confidentiality requirements.
5. Positions where presence is required at a principal work location for coordination and participation in team-based, quick reaction, and/or turnaround tasks or to address unscheduled events.

Agreement Options

Telecommuting agreements can be on a regular and recurring, or an occasional basis. Regular and recurring means an employee works away from the regular worksite on an established day or days, and on a recurring schedule. Employees who telecommute on a regular and recurring basis must be available to work at the regular worksite on telecommuting days if needed. Conversely, occasional requests by employees to change their regularly scheduled telecommute days should be accommodated by the supervisor if possible. Employees must obtain prior authorization to change a regularly scheduled telecommute day.

Occasional telecommuting means an employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

Scheduling and Work Hours

All the rules applicable at the regular worksite are applicable while telecommuting. That is:

- A. Telecommuting employees must perform designated work during scheduled work hours.
- B. Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to department requirements.
- C. Telecommuting employees must be available to communicate with those whom he/she normally conducts business by phone, e-mail, and web/audio conference during scheduled work hours, except for predetermined and agreed upon lunch breaks.
- D. The business needs of the department may take precedence over regularly scheduled telework days, whereas a teleworker may be required to be onsite. Teleworkers must ensure that in-person meetings are not delayed due to telework schedules.
- E. Employees may work overtime only when directed to do so and approved in advance by the supervisor.
- F. Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute.

- G. Telecommuting employees who become ill must report the hours actually worked, and use sick leave for hours not worked.
- H. An employee's telecommuting schedule should not cause additional work or hinder the work performance of others in the department.

Worksite

A telecommuting employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when telecommuting. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed, and may be determined by the department head.

Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently and free from interruptions. Employees are covered by workers' compensation laws when performing work duties at their designated alternate location during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and complete any required forms immediately.

The County is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

Equipment and Supplies

A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an alternate location. If the department does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.

A. County Equipment:

1. Equipment, software, or supplies provided by the County are for County business only.
2. A telecommuting employee does not obtain any rights to County equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all County equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the department's request.
3. A telecommuting employee must protect County equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.
4. Any equipment, software, files, and databases provided by the County shall remain the property of the County.
5. A telecommuting employee must adhere to all software copyright laws, and may not make unauthorized copies of any County-owned software. Employees may not add hardware or software to County equipment without prior written approval.

B. Personal Equipment

1. Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment. Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

Security of Confidential Information

All files, records, papers, or other materials created while telecommuting are County property. Telecommuting employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require employees to work in private locations when handling confidential or sensitive material. Departments may prohibit employees from printing confidential information in telecommuting locations to avoid breaches of confidentiality.

Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to County networks or databases to anyone who is not authorized to have access.

Freedom of Information Act (FOIA)

The Freedom of Information Act regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the County regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

Any violation of this policy is subject to discipline, up to and including termination.

Adopted: May 7, 2020