



CITY OF PETALUMA
ADMINISTRATIVE POLICY
Established: 03/01/23

Remote Work Policy

I. Overview:

Flexibility around how, where and when employees work is no longer a cutting-edge employment practice. It has now become a mainstay in the way work is performed. Remote work offers benefits to both employers and employees. The City of Petaluma considers remote work arrangements to be a viable way to create flexibility in the way work is performed and encourages the use of remote work when it is appropriate.

II. Purpose:

The City of Petaluma recognizes the need to promote a work environment that is flexible. A remote arrangement allows employees to work in an area outside City facilities and is a cooperative arrangement between employees, supervisors and Department Directors. The City's Remote Work Policy is intended to:

- Encourage creative operational options in providing essential City services;
- Improve employee morale, retention and recruitment;
- Improve employee productivity;
- Reduce environmental impacts such as traffic congestion, greenhouse gases, pollution and use of fossil fuels;
- Maintain or improve upon customer service.

III. Scope:

- A. The Remote Work Policy applies city-wide to all regular employees except for those employees who are not able to perform remote work arrangements due to the nature of their positions. To support the greatest degree of flexibility, Department Directors are encouraged to make remote work available to employees within their departments to the extent possible. Probationary employees may be allowed to participate with Department Director approval.
- B. The City's Remote Work Policy is not subject to the grievance procedures in any Memorandum of Understanding. The decision granting or denying a request for a remote work arrangement rests with the discretion of the Department Director.

IV. Policy:

A. Establishing, Modifying and Terminating Remote Work Arrangements

1. Employees acknowledge and agree that remote work arrangements are subject to the discretion of the Department Director and will be approved on a case-by-case basis consistent with the eligibility criteria set forth herein.
2. All remote work arrangements will initially be on a ninety (90) day trial basis. If necessary, the remote work schedule can be reviewed by both the employee and the employee's supervisor periodically.
3. An employee's supervisor, with the approval of the Department Director, has the right to modify or terminate a remote work arrangement consistent with the criteria set forth herein. Termination of a remote work arrangement may be made if, in the Department Director's determination, the remote work arrangement no longer serves the best interests of the City.
4. An employee may request to modify their remote work arrangement and must submit a written request reflecting the employee's proposed changes to their supervisor. The written request can be submitted by completing the City form either electronically or manually written.
5. Any breach of the remote work arrangement by the employee may result in termination of the remote work arrangement and may also result in disciplinary action, up to and including termination of employment.

B. Performing Remote Work

1. Performing work based on a remote work arrangement is a privilege and not a right. All City employees who work remotely must have an approved remote work agreement. Individual departments may have additional remote work requirements, guidelines or procedures, so long as they are consistent with this policy, approved by the City Manager and appropriate bargaining unit positions, if applicable. If there are any inconsistencies, the terms of this policy prevail.
2. Remote work arrangements do not change the duties, obligations, responsibilities or terms and conditions of City employment. Performing work remotely must comply with all City rules, policies, practices and procedures. A remote work arrangement will only be approved if it maintains or improves upon existing levels of service delivery and will not negatively impact the City's ability to serve the community.
3. Employees authorized to work remotely must meet the same standards of performance and professionalism expected by City employees in terms of job responsibilities, work product, timeliness of assignments and contact with other City employees and members of the public.

4. All of Employees' existing supervisory relationships, lines of authority and supervisory practices remain in effect. Prior to the approval of a remote work agreement, supervisors and employees shall agree upon a reasonable set of goals and objectives to be accomplished. Supervisors shall use reasonable means to ensure that timelines are adhered to and that goals and objectives are achieved.
5. Employee salaries and benefits remain unchanged while working remotely.
6. Non-exempt employees who receive overtime shall be assigned a remote work schedule, including any breaks pursuant to applicable Memoranda of Understanding (MOU), ("Work Schedule"). Any deviation from the Work Schedule must be approved in advance by the employee's supervisor. Non-exempt employees may not work remotely outside of normal work hours without prior authorization from their supervisor. A non-exempt employee who fails to secure written authorization before remotely working outside of their normal work hours may face discipline in accordance with the City's policy for working unauthorized overtime.
7. Employees working remotely may need to come into a City facility or office location as needed.
8. Travel time to and from the employee's remote work location to the office is not considered work time and is not compensable.
9. Employees working remotely are required to be accessible in the same manner as if they are working at their City's worksite during the approved remote work schedule, regardless of the designated location for where remote work is performed. Employees must be accessible via telephone, email, and/or network access to their supervisor and other City's employees while telecommuting, as if working at their City's worksite. Employees shall check their City-related business phone messages and emails on a consistent basis, as if working at their City worksite.
10. Employees shall work on a full-time basis, according to their established remote work schedule. Employees are required to maintain an accurate record of all hours worked remotely and make that record available to his or her supervisor upon request. Employees shall accurately record all work time on their timesheets.
11. While working remotely, employees shall adhere to the following:
 - a. Be available to the department via telephone and/or email during all remote work designated hours;
 - b. Employees must notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances;
 - c. If the City has provided City owned equipment, employees agree to follow the City's Policy for the use of such equipment. Employees will report to

their supervisor any loss, damage, or unauthorized access to City owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.

C. Eligibility

1. Determining Eligibility

- a. Remote work is not appropriate nor suitable for all employees or classifications. The job classification of an employee requesting to work remotely must be one approved by the Department Director. Employees who wish to participate in a remote work arrangement, must make a written request using the appropriate form to their direct supervisor.
- b. Regardless of classification eligibility, the eligibility to work remotely is also conditioned upon a department having sufficient resources and coverage to maintain its operational efficiencies (employees should realize that this may change based on vacation, sick leave, workers comp., etc. and the employee may need to return to work immediately regardless of the remote work arrangement).
- c. Employees who work in a classification that is typically eligible for remote work, may be deemed ineligible if the employee is not upholding City obligations, performing job duties as expected or not complying with City policies and procedures.

2. Eligibility Factors

The following factors are considered when eligibility is being determined for a remote work arrangement. These factors are not all-inclusive and do not limit the City's ability to take into consideration additional factors or circumstances.

- The operational needs of the employee's department and the City;
- The potential for disruption to the City's functions;
- The ability of the employee to perform his or her specific job duties from a location separate from their City worksite (remote worksite) without diminishing the quantity or quality of the work performed;
- The degree of face-to-face interaction with other City employees and the public that the employee's position requires;
- The portability of the employee's work;

- The ability for the employee to create a functional, reliable, safe, and secure remote worksite at a reasonable cost;
- The risk factors associated with performing the employee's job duties from a location separate from their City worksite;
- The ability to measure the employee's work performance from a location separate from their City worksite;
- The employee's supervisory responsibilities;
- The employee's need for supervision;
- Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Director, and the Director of Human Resources.

3. Requests for Reconsideration

a. Denials Made by Department Supervisors and Managers

- i. A decision by an employee's direct supervisor or manager to deny an employee's request to work remotely may have that decision reviewed by the Department Director by submitting a request for reconsideration. The Department Director who is reviewing the employee's request for reconsideration may choose to involve another department manager or supervisor, and/or a representative from the Human Resources Department in the review process.
- ii. Written requests for reconsideration must be submitted to the Department Director within thirty (30) days from the date of the original decision by the employee's manager or supervisor. If no written request for reconsideration is made within the thirty (30) day timeframe, the original decision regarding the employee's request for a remote work arrangement is considered final.

b. Denials Made by the Department Director

If the Department Director is the employee's direct supervisor, then the decision by the Department Director regarding approving or denying an employee's request for a remote work arrangement is considered final.

D. Rights and Responsibilities

1. Employees

- Employees shall continue to abide by practices, policies and procedures for requests of sick, vacation and other leaves of absences. Requests to work

overtime, declare vacation or take other time off from work must be pre-approved in writing by each employee's supervisor. If an employee becomes ill while working remotely, they shall notify their supervisor immediately and record on their timesheet any hours not worked due to incapacitation.

- Employees must take reasonable precautions to ensure their devices (*e.g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the City's network and must close or secure all connections to City desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for the City. Employees must maintain adequate firewall and security protection on all personal devices used to conduct City work from the Alternate Worksite. The employee shall not connect to any publicly accessible Wi-Fi unless access is password-protected.
- Employees shall exercise the same precautions to safeguard electronic and paper information and adhere to the City's records retention policies, especially as it pertains to the Public Records Act.
- Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to City work they access from their remote worksite or transport from their City worksite to their remote worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from their remote worksite or transport from their City worksite to their remote worksite. Employees must return all records, documents, and correspondence to the City at the termination of the remote work arrangement or upon request by their supervisor, Department Director or Human Resources.
- All files, records, documents or other materials created while working remotely are City property. Employees working remotely and their supervisors shall identify any confidential, private or personal information and records to be accessed and ensure appropriate safeguards are used to protect same. Departments may prohibit employees who are working remotely from printing confidential information in remote work locations to avoid breaches of confidentiality.
- Employees working remotely are solely responsible for any individual tax implications, insurance requirements and compliance with state and local laws and regulations when the remote work location is in a residence.
- Employees must establish a remote workspace which is conducive to productive work and safe working conditions.

- Employees must manage dependent care or personal responsibilities in a way that allows for successful achievement of job responsibilities. A remote work arrangement is not to be considered as a substitute for child or dependent care.
- Employees who use City-issued equipment for remote work must take reasonable precautions to protect that equipment from possible theft, loss and damage. Employees may be liable for the replacement or repair of the equipment, software or supplies in compliance with applicable laws regarding negligence or intentional conduct in the event of theft, loss or damage.
- Employees using City-issued equipment for remote work do not obtain any property rights to City-issued equipment, software or supplies provided in connection the remote work arrangement. All City-owned equipment and personal equipment used for City work is subject to the Brown Act.
- The employee must immediately return all City-issued equipment, software and supplies at the conclusion of the remote work arrangement or at the department's request.
- City employees should not be able to access City information on personal computers/equipment as it is a risk for misuse of information and not properly secured.

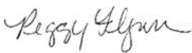
2. The City

- The City provides workers' compensation benefits for employees working remotely but only to injuries arising out of and in the course of employment as defined by California Workers' Compensation law. Employees must report any such work-related injuries to their supervisor immediately. The City shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when injuries occur at the remote worksite.
- The City is not responsible for any injuries to family members, visitors or other guests at the employee's location of performing remote work. The employee shall not have business guests at a residence or location designated as a remote work location.
- The City shall not be responsible for all costs, including but not limited to costs associated with the use of personal computers and/or cellular equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, ergonomic equipment, liability for third party claims, or any other incidental costs (e.g., utilities associated with the employee's remote work arrangement).

- As indicated above, the City has the right to modify or terminate an employee's remote work arrangement consistent with the criteria set forth herein. Termination of a remote work arrangement may be made if, in the Department Director's determination, the remote work arrangement is no longer serves the best interests of the City.
- Whether or not the employee who is working remotely uses their own personal equipment or City-issued equipment, the employee acknowledges that the City is entitled to and may access for inspection any personal equipment used while performing remote work. This includes personal computers, telephones, scanners, printers, internet access and records and monthly bills.

If this policy conflicts with current statutory or case law, the law prevails.

Approved:

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Peggy Flynn, City Manager

3/3/2023

Date