



City of Santa Ana
Administrative
Policies and Procedures

A blue ink signature of the City Manager.

City Manager's Authorization

Section

Human Resources Department

Subject

TELECOMMUTING POLICY

Date

July 1, 2022

Number

I. PURPOSE

This policy is to establish eligibility requirements and guidelines for the appropriate use of telecommuting as a substitute for commuting into a City facility. The City recognizes that telecommuting is a viable option when both the employee and the nature of work are suited to such an arrangement. A formal telecommuting arrangement ensures transparency, preserves public trust, and provides a framework for assessing the appropriateness of the work arrangement.

II. POLICY

Telecommuting is an arrangement that allows eligible City employees to work in a designated area outside the office. It is a cooperative arrangement between employees, supervisors, and departments.

This policy allows Executive Management ("Department Heads") full discretion to determine if an employee is eligible to participate in a telecommuting arrangement and to determine the frequency and length of time an employee may telecommute. Eligible employees shall only telecommute up to a maximum of three (3) days per week in a five (5) day workweek and up to a maximum of two (2) days per week in a four (4) day workweek (for example, work weeks when City Hall is closed on Fridays). The maximum number of days per week telecommuting may be deviated only during construction of an employee's work area/department. Employees are also required to comply with MOU provisions and the Fair Labor Standards Act ("FLSA"). Department Heads will assess job duties that may be conducive to working remotely and operational needs.

All City employees who telecommute must have an approved telecommuting agreement under this policy. A City department may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program. The Executive Director of Human Resources or designee shall review any additional requirements, guideline, or procedures.

A Department Head or designee may deny, terminate, or modify a telecommuting agreement for any business reason and shall not be subject to appeal. A

telecommuting employee may request at any time to end or modify his/her telecommuting agreement.

All City policies, procedures, rules, and regulations including but not limited to, workplace conduct, attendance, the use of computers, access to the City network, and the internet shall apply while an employee is telecommuting.

Any violation of this policy or any other rule or instruction related to telecommuting may result in the immediate discontinuance of the telecommuting privilege and/or disciplinary action up to and including termination.

III. SCOPE

This program applies to all City employees, except designated essential employees whose work prevents a telecommuting arrangement. Executive Management may be allowed to telecommute intermittently as approved by the City Manager on a case-by-case basis.

IV. PROCEDURE

- A. Employees must complete a Telecommuting Agreement Form and submit to their supervisor. Supervisors will determine employee eligibility and establish work standards, expectations, and regularly scheduled work hours.
- B. Employee's supervisor/manager will recommend approval or denial and submit form to the Department Head or designee for review and approval.
- C. A copy of the approved requests will be submitted to Executive Director of Human Resources or designee for record-keeping. All telecommuting agreements shall be preserved in the employee's personnel file.
- D. Upon approval, the supervisor will inform the employee if the Telecommuting Agreement is approved and will confirm the terms and conditions of the telecommuting arrangement.

V. ELIGIBILITY

Eligibility for telecommuting is based on both the employee's job duties and responsibilities and the employee's work performance. Not every position or employee is eligible for telecommuting. Eligibility requirements are as outlined below:

- A. Employees must be approved under the Information Technology Department policies and procedures for remote access to City Computing Systems and Electronic Mail Service.
- B. Employees must be performing the full range of duties and responsibilities assigned to the classification at a satisfactory level. Employees who are not

meeting City obligations and expectations, such as performance, misconduct, attendance, etc. are not eligible to telecommute.

- C. Employees must have completed their initial new hire or rehire probationary period to be eligible to telecommute.

VI. CRITERIA

The following conditions apply to telecommuting arrangements:

- A. Telecommuting does not change the duties and responsibilities, expectations, obligations, productivity and quality-of-work standards, or any other terms and conditions of employment. Telecommuting must not adversely affect customer service delivery, employee productivity, or progress of an individual or team assignment.
- B. The supervisor/manager shall monitor and evaluate performance.
- C. A telecommuting employee must perform work during their entire scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite. Telecommuting employees may take care of personal business during unpaid lunch periods or request time off. While telecommuting, an employee shall be available by telephone and/or e-mail during agreed-upon work hours. The employee and supervisor shall agree on expected turnaround time and the method for responses. The number of hours worked by employees will not change due to telecommuting. Employees who are not exempt from overtime requirements under the FLSA are required to accurately record all hours worked. Work hours will be scheduled and the supervisor or appointing authority must approve any changes in advance. Overtime for non-exempt employees must be pre-approved in writing by the supervisor or appointing authority. Employees who are exempt from FLSA overtime should record any absences in accordance with normal protocols.
- D. The telecommuting employee's conditions of employment shall remain the same as for non-telecommuting employees; wages, benefits, and leave accrual rates will remain unchanged. Participation in the telecommuting program shall not be considered a benefit or right.
- E. Telecommuting employees who become ill and are unable to work, must use designated leave and must be taken in the same manner as in the assigned City office location with appropriate notifications.
- F. Injuries sustained by the employee at the employee's alternate work location during telecommuting work hours and in conjunction with his/her regular work duties may be covered by Workers' Compensation depending on the circumstances. Any employee injuries that occur while working at the alternate work location shall be reported to the employee's supervisor immediately. The

Human Resources Department Workers' Compensation staff may investigate circumstances in the employee's alternate worksite related to workers' compensation claims. The City assumes no liability for injuries that occur outside the performance of the employee's duties and/or outside the employee's scheduled telecommuting hours.

Employees are prohibited from having in-person meetings regarding City business in their homes. The City is not liable for injuries incurred at the alternative work location by visitors or other residents.

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

The City will not reimburse the employee for home utility costs, internet service, furniture, computer or peripheral equipment, telephone service, office supplies, homeowner's insurance premiums, or any other costs associated with telecommuting. The City is not responsible for wear, damage, or expenses related to an employee's personal equipment.

- H. When City equipment is provided to the employee, the employee is responsible for ensuring that the equipment is properly used, secured, and maintained. Any negligence related to the care and maintenance of City equipment could result in disciplinary action and/or termination of telecommuting privileges. Use of equipment is limited to authorized persons and for purposes related to City business. All such equipment must be promptly returned to the City in the event that telecommuting is discontinued, the employee's employment with the City has ended, or when otherwise requested by the City.

Only city provided computers shall directly connect to the City's network; personal computers may connect to the City network via the Terminal Server gateway.

- I. In the event that the employee is unable to telecommute due to failure of equipment (telephone line, computer, internet, etc.) or other circumstance, the employee shall contact his/her supervisor immediately and may be assigned to do other work, assigned another work location, and/or required to report to City facilities. The employee must provide his/her supervisor with contact information for telecommuting hours, including a phone number where the employee can be reached.
- J. All office supplies needed for the alternative office location will be obtained from the employee's assigned City office location and approved by their supervisor. Out of pocket expenses for supplies normally available at the assigned City office location will not be reimbursed.

- K. Employees should seek advice from a tax advisor if they have questions concerning tax implications resulting from telecommuting. . The City is not responsible for substantiating any employee's claim of tax deductions for operation of a home office used to perform work.
- L. Employees who are telecommuting may be required to report physically and attend meetings or other events at a City worksite during usual telecommuting times as dictated by operational requirements and/or the employee's supervisor.
- M. Employees who are telecommuting must be able to report physically to his/her regular City worksite within two (2) hours, if called in by their supervisor. Any exceptions to this provision must be pre-approved by an employee's Department Head or designee.

VII. WORKSITE:

- A. Telecommuting employees must work in an environment that allows them to perform their duties and responsibilities in a safe and efficient manner. A telecommuting employee must designate a work area suitable for performing official business. 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 employee's department.
- B. The City is not liable for damages to an employee's personal or real property or personal equipment while the employee is working at his/her alternate worksite.
- C. With reasonable prior notice, the City may make on-site visits during agreed upon working hours to the employee's residence to review and monitor work performed; inspect an employee's designated work space to ensure it is safe from hazards; and to repair, inspect, or retrieve any City owned equipment, software, data, and supplies.
- D. While telecommuting and to the extent feasible, employee should work in a private area where third parties cannot view their work and secure their workstation or equipment and documents when not in use.
- E. Employees are required to follow all instructions from the City's IT department including secure remote access procedures.
- F. Employees are expected to turn off Siri, Alexa, and other similar technological devices when working on confidential matters.

VIII. SECURITY OF INFORMATION

All files, records, papers, or other materials created while telecommuting are City property. The telecommuting employee shall maintain security and confidentiality at the same level as expected at City worksites. The telecommuting employee shall not remove restricted or confidential materials from the primary worksite or accessed through a computer unless approved in advance by the supervisor. The telecommuting employee shall not access restricted or confidential material and/or store anything on their personal computer. The employee is responsible for ensuring that non-employees do not access restricted or confidential information, either in print or electronic form.

A telecommuting employee shall not remove or take home any original source documents (ex: original contracts with wet signatures, etc.). A telecommuting employee shall only access any original source documents electronically. Any exceptions shall be approved in advance by the employee's supervisor.

IX. CITY RIGHTS

Department Heads have sole discretion to approve or deny telecommuting agreements. The decision of the Department Head is final and such decision shall not subject to appeal.

Department Heads may at any time, revoke an employee's telecommuting privileges. The decision of the Department Head is final and such decision shall not subject to appeal.



TELECOMMUTING AGREEMENT FORM

This Telecommuting Agreement Form must be submitted by employees who are requesting to telecommute. The Agreement must be signed by the employee, immediate supervisor, and Department Head. The supervisor agrees to monitor the employee's performance and adhere to established guidelines and work standards. The conditions of this Telecommuting Agreement may be reevaluated at any time.

NAME: _____ POSITION TITLE: _____ EMPLOYEE ID: _____
CELL PHONE NUMBER: _____ HOME PHONE NUMBER: _____
DEPARTMENT: _____ SUPERVISOR NAME: _____
CITY WORK LOCATION: _____ WORK SCHEDULE (5/40, 9/80, 4/10): _____
REMOTE WORK LOCATION PHYSICAL ADDRESS: _____ HOME ADDRESS (Y/N): _____

PROPOSED TELECOMMUTING ARRANGEMENT

START DATE: _____ END DATE: _____ CONTINUOUS OR INTERMITTENT: _____
IF INTERMITTENT, LIST FREQUENCY: _____
TELEWORK DAYS : ☐ MONDAY ☐ TUESDAY ☐ WEDNESDAY ☐ THURSDAY ☐ FRIDAY ☐ SATURDAY ☐ SUNDAY
NUMBER OF TELEWORK DAYS: _____ ☐ PER WEEK ☐ PER MONTH
TIME: _____ TIME: _____
MONDAY: FROM: _____ TO: _____
TUESDAY: FROM: _____ TO: _____
WEDNESDAY: FROM: _____ TO: _____
THURSDAY: FROM: _____ TO: _____
FRIDAY: FROM: _____ TO: _____
SATURDAY: FROM: _____ TO: _____
SUNDAY: FROM: _____ TO: _____

Meal Breaks: Hourly employees working schedules of six (6) hours or more in a work day are required to include a minimum thirty (30) minute unpaid meal break into the daily work schedule.

Acknowledgement: I have reviewed and agreed to the provisions in the Telecommuting Agreement. I verify that I have also read and understand the Telecommuting Program Policy, attached hereto for reference, and agree to all of the terms in the policy. I further understand that the telecommuting arrangement may be revoked at any time by the Department Head and such decision shall not be subject to appeal.

EMPLOYEE SIGNATURE: _____ DATE: _____

Agency Approvals

The supervisor affirms that the employee and the position is suitable for a telecommuting arrangement.

	Name	Signature	Date
SUPERVISOR			
DEPARTMENT HEAD			

Note: If approved, the attached IT Remote Access Form will need to be completed and sent to IT to set the employee up with remote access.

City of Santa Ana

Request for Remote Access to City Computing Systems

[See City of Santa Ana IT Practice: **Remote Access Service to City Computing Systems**, section 4.1]

Please enable the following individual with the capability to remotely access the City of Santa Ana computer systems.

Full name (print)	_____
Mail station	_____
City phone number	_____
City email address	_____
Personal email address	_____
Supervisor's name	_____
Supervisor's City phone number	_____
Status	☐ City Council Member ☐ City Commission Member ☐ Executive or Management Staff ☐ Regular City Staff ☐ Part Time City Staff ☐ Contractor ☐ Consultant ☐ Other: _____
Remote Location	☐ Residence ☐ Traveling ☐ Vehicle ☐ Other: _____
Remote Location Phone Number	_____
Remote Location City	_____
Date Service is Needed	_____
Purpose of Remote Access	
☐ File Server (e.g. H: drive) Access	☐ Server Administration ☐ Police CAD/RMS
☐ Lawson Financial System Access	☐ Network Administration ☐ Fire CAD/RMS
☐ Payroll System Access	☐ Server Access: _____ ☐ Other: _____
☐ Other system access: _____	
Justification	_____ _____ _____

I, the undersigned, certify that:

The above named individual has:

Read and signed their acceptance of the City of Santa Ana's IT Practice: **Remote Access Service to City Computing Systems**.

Has a justified business need to remotely access the City computer systems.

Executive Director's Signature

Executive Director's Name (print)

Agency/Department

Date

Review and Approval by the Executive Director of the Personnel

Executive Director of Personnel's Signature

Date

Attachment B

Request for Remote Access to City Computing Systems

(Concluded)

Please tell us about the computer on which you will install the remote access client software.

- Computer Model
(e.g. Gateway, HP, Apple, Sony, etc.) _____
- PC's operating system
(e.g. Mac, Win 98SE, Win ME, Win 2000, Win XP, Linux) _____
- PC's operating system Service Packs
(only if Win 2000 or XP)
[right click on My Computer, left click on Properties, read under General Tab] _____
- Is there an Internet connection available?
 - ☐ Via Modem dial up service
 - ☐ Via cable Internet service
 - ☐ Via DSL Internet service
 - ☐ Via satellite Internet service
 - ☐ Other: _____
- Name of Provider
(e.g. Cox, SBC, Earthlink, Time Warner, etc.) _____
- Anti-virus/Malware
(for virus/malware detection and removal) software in use? ☐ Yes ☐ No
- Anti-virus Product Name
(e.g. McAfee, Norton, Trend Micro, Panda, etc.) _____
- Malware product name
(e.g. Adaware, Spybot Search and Destroy) _____
- Is the anti-virus/malware software automatically enabled when the PC is turned on? ☐ Yes ☐ No
- Are auto updates enabled on the anti-virus/malware software? ☐ Yes ☐ No
- Is the PC shut down (powered off) at least once each day? ☐ Yes ☐ No
- Personal firewall product in use? ☐ Yes ☐ No
- Personal firewall product name
(e.g. Zone Alarm, Trend Micro, Norton, etc.) _____
- Broadband Firewall/Router ☐ Yes ☐ No
- Broadband Firewall/Router name
(e.g. Linksys, D-Link, etc.) _____

Send to: **City RAS Administrator**
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received _____
ISD Manager Approval _____
Date account established _____
Date user notified _____
Comments _____

Attachment B