

# City of Richmond

## Administrative Manual

**SUBJECT:** Telework Policy

**SECTION:** Human Resources

**POLICY NUMBER:** AP 311

**INITIAL DATE PREPARED:** September 20, 2021

**LAST DATE REVISED:**

### **I. Purpose and Scope**

The purpose of this policy is to establish the procedures for allowing City of Richmond ("City") employees to work remotely during normal and special circumstances, as determined by the City, including but not limited to a public health emergency and hazardous conditions. Working remotely is an arrangement that allows City employees to work in a designated area outside of the office, or outside of the employee's regular place of work. Working remotely is a cooperative arrangement between employees, supervisors, and Department Heads. This policy applies to all City employees.

### **II. Policy**

This City policy authorizes teleworking programs to be implemented in City departments when operations or business necessity permits. When authorized, a City employee may participate in a teleworking program and shall comply with all City and department policies, ordinances, practices, work assignments, and instructions as directed by the Department.

1. Management retains the exclusive right to determine eligibility for teleworking. Not all positions or classifications are suitable for teleworking. The determination of an employee's ability to telework is exclusively at the City's discretion. Teleworking is not an employee right, but rather, is available to those employees who work in positions where the City has determined it is beneficial and/or consistent with operational business needs. Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of employment with the City. Employees working remotely must comply with all City and departmental policies and procedures.
2. This policy allows Department Heads full discretion to determine if an employee is eligible to work remotely and to determine the length of the assignment. Department Heads will be guided in their decision-making through the requirements of this Policy, their assessment of the employees' characteristics, employees' job duties that may be conducive to working remotely, and operational needs assessments. Individual departments may have additional requirements, guidelines, or procedures for working remotely, provided they are consistent with this policy.
3. Teleworking may be modified or revoked by the City at any time. Whenever practical, the City shall give a minimum of ten (10) calendar days' notice when

revoking or modifying a telework agreement.

4. Employees who telework shall perform the full range of their normal job duties and be available via telephone, email, video chat or other means during working hours. Supervisors will be expected to establish and communicate work expectations of employees working remotely, including setting work priorities, deadlines, and reviewing work assignments.
5. An employee who is authorized for telework shall use his/her working hours to perform City work. Teleworking agreements do not substitute for dependent care or the use of leave accruals. Employees shall ensure dependent care requirements are addressed and arrangements are in place so as not to interfere with the employee's work.
6. Work done on behalf of the City at the telework site is considered official City business. Products, documents, and records used by/or developed while teleworking shall remain the property of the department and the City and are subject to department and City rules regarding confidentiality, disclosure, and record retention requirements.
7. Non-FLSA exempt employees are required to perform work duties within an established schedule, and shall adhere to scheduled rest and meal breaks. As approved by the employee's supervisor, an employee's telework start time and end time may be permitted to be different from the employee's normal hours when working on-site. An employee authorized to telework may not alter his/her work schedule or work additional hours (overtime) beyond his/her authorized hours without prior written authorization. FLSA exempt employees may be required to work core hours, as directed by the Department.
8. Teleworking which occurs at the employee's home may increase the employee's home utility costs. The employee is responsible for any additional telecommunications or connectivity charges resulting from the teleworking arrangement. The City assumes no responsibility for any operational costs or liability associated with the employee's home residence, including home maintenance, personal office equipment or office furniture, insurance, or utilities.
9. An employee who teleworks shall not bring clients, customers, vendors or other persons into the employee's home.
10. An employee authorized to telework may be required to come to the City worksite on short notice. The employee shall be provided reasonable notice to return to the office. Such a requirement does not constitute call-back pay. The City shall not reimburse a teleworking employee for mileage or any travel-related expense when an employee is required to report to a City worksite.

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11. Use of sick leave, vacation, compensatory time off (CTO), administrative leave or other absences from work, must be approved in advance and in accordance with department and City policy.

### **III. Definitions**

1. “Telework” means an arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative non-City worksite.
2. Teleworking is generally divided into three types:
  - A. “Regular Telework” telework occurs as part of an ongoing or regular schedule.
  - B. “Situational Telework” telework that is approved on a case-by-case basis, where the hours worked were NOT part of a previously approved, ongoing and regular telework schedule.
  - C. “Emergency Telework” telework that occurs during emergencies only. This may include inclement weather, natural disasters, continuity of government and similar situations.
3. “Protected Personal Information” or “PPI” means any personal information or characteristics that may be used to distinguish or trace an individual’s identity, such as the person’s name, Social Security Number (SSN) or biometric records.

### **IV. City Equipment**

1. The City may, at the discretion of the Department Head, provide equipment and supplies such as a laptop, electronic tablet, cell phone, printer or supplies to an employee to use while teleworking. Department Heads are to reasonably allocate those resources based on operational and workload needs. A teleworking employee must protect City-provided equipment from possible theft, damage, and loss. The teleworking employee may be responsible for the replacement or repair of City equipment as allowed by law.
2. Employees using City-provided equipment must be able to independently transport and set-up the equipment at their telework site. All City issued equipment issued to an employee must be returned immediately at the conclusion of the teleworking arrangement.
3. All City policies and procedures and departmental policies and procedures involving City equipment apply to employees using City provided equipment. This includes policies and procedures which restrict any non-City uses of equipment.

4. Other than the equipment or supplies furnished at the City's discretion (see **Section IV, City Equipment, paragraph 1**), the City will not provide employees who are working remotely with other materials or supplies needed to establish an alternate worksite (as illustrative examples desk, chair, printer, copy machine, office supplies, printer/copier paper and ink, etc.).
5. Employees who use their personal equipment for teleworking are responsible for the installation, repair, and maintenance of the equipment.
6. All City rules, policies, and procedures regarding the use of electronic devices apply while an employee is working remotely, regardless of whether the employee is using City-owned or personally owned equipment.

**V. Computer Security**

1. Any equipment such as a laptop, tablet, cell phone, or other hardware or software provided by the City to an employee to use while teleworking and conducting City business shall only be maintained by the City. It is expected that employees will access City applications through the Information Technology Department-approved programs/applications (e.g., CudaLaunch or similar programs/applications). Requests for connectivity into the City's network(s) (e.g., VPN) will be reviewed by the Information Technology Department on a case-by-case basis and may not be approved. If any issues arise with access to the City's VPN or equipment, employees are to call the Information Technology Department for assistance.
2. An employee authorized to telework who uses his/her personal computer is responsible for following all security guidelines including data encryption and password policies and, ensuring software and applications are currently updated with security patches, maintaining a personal firewall and updated anti-virus and anti-spyware programs, and keeping the operating system configured securely. Access using the City's VPN is secure. The City will not provide or install any security, word processing/spreadsheet, or any type of software on employees' personal computers. Additionally, the City's Information Technology Department will not access or provide support, setup, repair, and/or evaluate and recommend changes to employee's personal computers or equipment.
3. City records saved on an employee's individual computer may subject an employee to records release and search laws. As such, City employees shall not save any City records on personal computers or transmit City records via personal email accounts.

**VI. Personal Identifying Information**

1. Employees are required to ensure the integrity and confidentiality of all information

and take steps to ensure City, confidential, Personal Identifying Information (PII) is not viewed or available to non-employees. Only employees are allowed access to confidential information in City accessible data base applications. It is an expectation that all employees assume the responsibility of reviewing the policy with members of their household to ensure that the security of data is maintained.

2. Employees must follow security best practices, including the following basic privacy controls:
  - A. Employees are required to ensure that all sensitive/confidential information in hardcopy or electronic form, including Personal Identifying Information (PII) is secured in their work area at the end of the day and when they expect to be gone for an extended period. Hard copy materials are secured when they are locked in a storage area (such as a desk or file cabinet) or locked in a room.
  - B. Computer workstations must require a password to access the computer when the workstation is unoccupied.
  - C. Keys used to access storage areas must not be left at an unattended desk or available for access by other members in the employee's household.
  - D. Passwords may not be left on sticky notes posted on or under a computer, nor may they be left written down in an accessible location.
  - E. Whiteboards containing confidential, PII are not to be visible to passersby or to members of the employee's household and must be erased when unattended.
  - F. Lock away portable computer devices such as laptops and tablets.
  - G. Treat mass storage devices such as CD-ROM, DVD or USB drives as sensitive and secure them in a locked drawer.
  - H. Employees shall not print PII information.
  - I. Hard copy documents containing PII information which are to be discarded shall be shredded.
3. Any time PII is transported from one location to another, care must be taken to provide appropriate safeguards. When PII is hand-carried by an individual in connection with a trip or in the course of daily activities, it must be kept with that individual and protected from unauthorized disclosures.

**VII. Workplace Safety**

1. The Human Resources Department, Risk Management unit, shall provide a Safety Checklist for employees to use when teleworking to help ensure a safe and productive work environment. (See **AP 311-1**).
2. An employee authorized to telework shall be responsible for following all guidelines provided in the Safety Checklist.

**VIII. Workers' Compensation**

1. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employee performing work functions and as defined by workers' compensation law. Employees are covered by workers' compensation while teleworking. Employees must report any work-related injuries sustained while teleworking to the City and their supervisor immediately. The City shall not be responsible for injuries or property damage unrelated to work activities, including injuries to third persons, when said injuries or damage occur at the alternate worksite.

**IX. Teleworking Agreement**

1. An employee who is authorized to telework must complete a Teleworking Agreement form, **AP 311-2**, and if approved by the Department Head, the Teleworking Agreement form will be signed. The Teleworking Agreement details the expectations of the employee authorized to telework, including, but not limited to:
  - A. Productivity standards;
  - B. Employee responsibilities for adherence to all laws, rules, policies, procedures, regulations;
  - C. Schedule and timekeeping requirements;
  - D. Compliance and security requirements for equipment, sensitive or confidential data;
  - E. A listing of equipment provided to employee, its proper use and maintenance of City equipment;
  - F. Reporting of injuries and other required safety measures;

- G. Acknowledging that the teleworking arrangement can be terminated or modified by the City at any time;
- H. Verification that City Information and Technology security standards are met; and
- I. Verification that the City's Safety guidelines provided in the Safety Checklist (**AP 311-1**) are met and adhered to.

**X. General Teleworking Requirements**

- 1. Employees wishing to telework must:
  - A. Have passed an initial probationary period, if any;
  - B. Not be under investigation or on a performance improvement plan;
  - C. Possess the knowledge to be able to perform the assigned work duties without direct supervision; and
  - D. Be self-directed, have the ability to prioritize, and have a history of reliable and responsible discharge of work duties.
- 2. The following types of tasks/duties are generally not suitable for regular telework:
  - A. Jobs that require frequent face-to-face customer, co-worker/stakeholder contact, which occur at specific City office locations
  - B. Jobs that require a physical presence in a certain location (such as reception or public interfacing)
  - C. Law enforcement and firefighting
  - D. Jobs that require specialized equipment
  - E. Jobs that require highly confidential work that cannot be adequately secured working offsite
  - F. Jobs that focus on maintaining City facilities or equipment
  - G. Jobs that require resources located at the employee's primary work location and are of such a nature that they can't easily be removed or taken home as

they will negatively impact operations

- H. Jobs with on-site duties such as photocopying, document routing, filing, or answering phones
3. Functions that may work well in a telework arrangement include:
- A. Duties that are independent in nature
  - B. Reading, research, writing and editing including communications, charts, planning
  - C. Data analysis, data entry and “number crunching”
  - D. Participating in telephone conversations
  - E. Participation in conference calls, webinars and computer trainings
  - F. Work typically completed at a desk without special equipment

**XI. Criteria for Telework**

1. Criteria for Regular Telework: The Department Head shall determine if s/he wishes to establish a teleworking arrangement in his/her Department. Prior to establishing a telework program, s/he must demonstrate:
- A. The work can be performed from a remote or alternative non-City location;
  - B. The work can be performed without negatively impacting service delivery;
  - C. Supervisors and managers are trained to handle work situations arising from supervising remote workers;
  - D. There is a clear way to measure the work the employee completes;
  - E. The alternate work site is suitable for the type of work to be performed;
  - F. Sensitive and/or confidential data is reasonably protected and not placed at a higher risk because of the telework arrangement; and

- G. The Department has the ability to provide the necessary tools and equipment to the employee which are necessary for the employee to be able to perform the work.
2. Criteria for Situational Telework: The Department Head may establish the advance notice requirements for authorizing situational telework. Generally speaking, sufficient notice should be provided to ensure the employee understands the outcomes/work product s/he is responsible for completing during the period of the situational telework. Further, the Department must be able to establish the employee has the necessary equipment and tools to complete his/her assignment(s) and communication protocols have been established for checking back with his/her supervisor and or customers, as necessary.
3. Criteria for Emergency Telework: Emergency telework is infrequent or rare and approval is limited. The Department Head or designee may authorize emergency telework for inclement weather when circumstances warrant only if the employee has access to his/her work via the necessary tools (such as, for example, through VPN or CudaLaunch) to be able to perform meaningful work. For all other circumstances of emergency work, the criteria shall be established by the City Manager or designee.

## **XII. Procedure for Telework**

1. No employee may telework without written approval of the Department Head or his/her designee.
2. A regular Teleworking Agreement (**AP 311-2**) may be initiated by the City or by an employee; however, no employee shall be forced to work from his/her home on a regular or recurring basis. Situational or emergency teleworking arrangements may be initiated by the City or by the employee. Emergency teleworking for inclement weather may be authorized by the Department Head; however, emergency teleworking for natural disasters, continuity of government or other similar situations, shall be authorized at the sole discretion of the City Manager or designee.
3. A Teleworking Agreement (**AP 311-2**) must be signed for regular or situational telework. When emergency teleworking is approved, written authorization detailing the dates of the approval of emergency telework and clear expectations must be communicated to the employee.
4. Employee shall review and complete a Safety Checklist (**AP 311-1**) to help ensure a safe and productive alternate work environment.
5. Upon completion of the approved Teleworking Agreement, the Department Head

shall send a signed authorization and Teleworking Agreement to Human Resources and a copy shall be placed in the employee's personnel file. (The Human Resources Department may also maintain a separate file of Telework Agreements for the monitoring of the Telework Policy.)

6. Telework agreements can be in effect for up to one (1) year. The teleworking arrangement must be reviewed at least annually to ensure the standards for participation are being followed and may be renewed through the completion and approval of a new Teleworking Agreement.

**XIII. Department Management Responsibilities**

1. Determine positions appropriate for telework.
2. Approve performance standards and expectations for an employee authorized to telework.
3. Ensure adherence to work standards and City or department policies, procedures, work rules, and laws and regulations.
4. Maintain efficient and effective work operations and ensure that authorized telework agreements do not interfere, disrupt or have any negative effects or consequences to City operations.
5. Ensure supervisors and managers are provided opportunities and are trained to sufficiently supervise an employee authorized to telework remotely from their primary work location.

**XIV. Supervisor Responsibilities**

1. Appropriately assess an employee's readiness and ability to telework.
2. Review requests for teleworking and outline performance expectations.
3. Monitor the work environment for, and report to management, any negative effects or consequences resulting from approved telework agreements.
4. Establish performance standards and expectations for an employee authorized for telework.
5. Provide effective means of communication to teleworking employee.
6. Ensure adherence to work standards and City or department policies, procedures, work rules, and laws and regulations.

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7. Maintain efficient and effective work operations and ensure that authorized telework agreements do not interfere, disrupt or have any negative effects or consequences to City operations.
8. Establish and maintain appropriate methods of communication.

### **XV. Employee Responsibilities**

1. Sign and adhere to City Teleworking Agreement (AP 311-2).
2. Secure computer systems in accordance with City guidelines of City records so that confidentiality is maintained.
3. Secure and arrange work space to protect confidentiality of City records and to maintain a safe work environment.
4. Make appropriate childcare or other dependent care arrangements to ensure distractions do not exist to interfere with performing City duties.
5. Adhere to all City and departmental policies, rules and procedures.
6. Update and maintain correct contact information.
7. Successfully meet City performance standards.
8. Properly store and maintain City issued equipment.

APPROVED:

  
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City of Richmond City Manager or Designee

9/20/21  
\_\_\_\_\_  
Date