620 - TELEWORKING

I. PURPOSE

Teleworking is an arrangement that allows eligible City of Newport News employees to work in a designated area outside of the office. Teleworking is a cooperative arrangement between employees, supervisors, and respective departments.

Teleworking can be mutually beneficial to the employee and the City. Benefits can include:
- Ability to function during an emergency when regular work site is inaccessible
- Increased productivity
- Efficient use of City resources, including office space
- Recruitment and retention of highly qualified employees
- Greater flexibility for employees and departments
- Improved employee morale and job satisfaction
- Reduced employee absenteeism, commute time and cost

II. GENERAL

This policy defines the City of Newport News’ teleworking program and the guidelines under which employees will operate. This policy is intended to provide guidelines for telework opportunities that support work/life balance while maintaining customer service excellence. The City will actively consider telework when reasonable and practical to do so and when operational and customer service needs will not be adversely affected. Employees granted the privilege to participate in teleworking continue to be bound by City’s Standards of Conduct and all other laws, regulations, policies and procedures. Failure to comply with the provisions of this policy may constitute a violation of the City’s Standards of Conduct.

III. DEFINITIONS

Eligible Employee

An employee identified as being suitable for teleworking when there are telework assignments that can be completed at a remote work site and the employee has suitable experience or aptitude in utilizing applicable technology.

The department may identify a list of skills and characteristics deemed necessary for the employee to be a successful teleworker. Employees must be in good standing to be eligible
for teleworking and employees who are not upholding City standards, such as meeting performance or conduct expectations, are not eligible to telework.

Eligible Position

A position may be suitable for teleworking when the job duties:

- May be completed independently and do not require frequent interaction at the main work site with supervisors, colleagues, clients, or the public, in person or by phone
- Accommodate the use of technology to maximize communication
- Are primarily knowledge-based
- Provide measurable deliverables
- Do not require the employee’s immediate presence at the main work site to address unscheduled events, unless alternative arrangements for coverage are possible
- Are not essential to the management of on-site workflow

Main Work Site

The teleworker's usual and customary City work address or other location as approved by the employee’s supervisor.

Remote Work Site

A work site other than the employee's usual and customary work site (Main Work Site). The remote work site shall mean the employee’s residence or any other remote location approved by department management. It may include the employee's home, a City satellite office, or another work location.

Teleworker

An employee who works from a home office or alternate location on an occasional or routine basis.

Teleworking

Working at a location other than the employee's usual and customary work site to perform essential job duties in accordance with operational needs. Three types of teleworking can exist:

- **Regular, recurring teleworking** may be full-time or part-time and be from one to five days a week for all or part of each workday typically set on a regular schedule. This type of teleworking requires a formal agreement between the employee and supervisor/manager.
• 100% teleworking occurs when employees are hired into or transition to a role or position where work is performed 100% remotely. The employee may be required to report to a City office for meetings or events occasionally.
• Emergency teleworking may be used during emergency situations caused by weather, a natural disaster, or pandemic health crises. During this type of teleworking arrangement a formal agreement is not required.

Teleworking Agreement

A signed document that outlines the understanding between the department and the employee regarding the teleworking arrangement including, but not limited to: work assignments referencing work plan, technology specifications, remote site agreement, effective dates, scheduling and hours, and other items as applicable.

Teleworking Work Plan

A specific set of defined work expectations to be met each time the employee works at a remote work site.

IV. GENERAL PROVISIONS

Departmental management is responsible for the overall operations of each respective department and the provision of services to accomplish the mission, goals and objectives. As such, departmental management and Human Resources have collaborated to designate positions as eligible for telework. Directors, managers, and supervisors are not obligated to endorse any request for telework which would negatively impact their operations. Department Directors will review and approve individual teleworking requests, consulting with Human Resources as needed.

Teleworking is a management option and is a privilege, not a right or a universal employee benefit. Teleworking may not be suitable for all employees or positions; therefore, departments may implement teleworking based upon departmental needs.

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 main work site, such as child, elder, or other dependent care. In accordance with the pre-determined work schedule, telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the main work site.

Training is a key aspect of the program and supervisors of teleworking employees are required to attend training provided on-line by Human Resources.

V. CONDITIONS OF EMPLOYMENT

Teleworking assignments do not change the conditions of employment or required compliance with laws, regulations, policies and procedures. The department and
employee will agree mutually to teleworking arrangements. The Department Director, in consultation with Human Resources, may establish teleworking as a condition of employment based upon the operational needs.

VI. EMPLOYEE PARTICIPATION

An employee's participation in the City's teleworking program is voluntary, unless specified as a condition of employment by the department and Human Resources, and must be mutually agreed upon by the employee and supervisor, with final approval by the Department Director, or designee. The supervisor and employee will complete the Teleworking Agreement Template to initiate the process for a teleworking arrangement.

Before allowing an employee to telework, the employee's supervisor shall ensure the following are completed and submitted for approval:

- Teleworking Agreement template
- Teleworking Safety Checklist
- Teleworking Work Plan - Department Specific

A Teleworking Work Plan must be completed by the teleworker and their supervisor; the teleworker agreeing to the general telework requirements and the supervisor identifying the assignments and specific deliverables to be completed while the employee is teleworking. The Teleworking Work Plan should be updated regularly during check-ins between the employee and management. Minimally, the Work Plan should be updated annually in accordance with the Teleworking Agreement Date. The teleworker is also required to complete and return, annually, a new Teleworking Safety Checklist whenever the teleworking arrangement continues beyond twelve (12) months.

VII. WORK HOURS AND LOCATION

Work hours and location are specified as part of the telework agreement. The employee must be accessible during the specified work hours. The employee agrees to work at the main work site or the approved remote work site, and not from another unapproved site. Employees must be available to attend meetings or events as requested, with reasonable notice.

- Teleworking employees must perform designated work during scheduled work hours and are required to track all hours in accordance with Section 607 of the Personnel Administrative Manual
- Employees are required to keep track of all hours worked in accordance with Section 607 of the Personnel Administrative Manual
- Any schedule changes or deviations require prior management approval.
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as all departmental employees in accordance with applicable leave policies
VIII. COMPENSATION AND LEAVE ADMINISTRATION

The employee’s salary and benefits remain the same as if the employee was working at the department’s main work site. The employee will continue to comply with federal, state, and local laws, regulations, policies, and procedures while working at the remote work site.

Teleworking will not adversely affect an employee’s eligibility for advancement or any other employee right or benefit, although the same or similar telework opportunities may not exist in other positions or departments. An employee will be compensated for all work in the same manner as work that is performed at the employee’s main work site.

Non-exempt employees may not work overtime unless directed to do so and approved in advance by the supervisor. The employee must also comply with Sections 609 and Section 610 of the City’s Personnel Administrative Manual.

Teleworking employees may be granted inclement weather or emergency safety leave based on the type of event and at the discretion of Department Directors.

IX. SAFETY AND EQUIPMENT

The employee agrees to designate a separate work space in the remote work site for the purposes of teleworking and will maintain this area in a safe condition, free from hazards and other dangers to the employee and any City equipment. To ensure the safety of the work space, the employee agrees to complete and return to the department a Teleworking Safety Checklist which will certify the employee’s remote work site complies with health and safety requirements.

The employee must submit this checklist to the department before beginning any telework. The employee agrees that the department shall have reasonable access to the remote work site for the purposes of inspection of the site and retrieval of City property. The City will not be liable for injuries or damages to the person or property of third parties, or any members of the employee’s family in the remote work site, if located in the employee’s home. The employee agrees to indemnify and hold the City harmless from any and all claims for losses, costs, or expenses asserted against the City by such third parties or members of the employee’s family.

The City is not required to provide teleworking employees with materials, equipment, or supplies needed to establish an alternate work site. The teleworker is typically responsible for all risk and cost associated with an alternate work site to include, but not be limited to furniture (desk, chair), movement or arrangement of furniture and equipment, utilities, insurance, dual monitors, ergonomic set up, phone and internet connections and assumes no responsibility for set-up or operating costs at their designated remote work site, when such site it not a City work location.
Department directors, Human Resources and IT will collaborate on the need to provide computer equipment, software, or other supplies, or allow employees to use their personal
equipment while teleworking. Departments providing equipment, software, or other supplies to teleworking employees must reasonably allocate those resources based on operational and workload needs.

The supervisor may make an on-site visit to the teleworker's remote work site during the employee's scheduled telework hours for the purposes of verifying that the employee is teleworking as scheduled, determining that the site is safe and free from hazards and to maintain, repair, inspect or retrieve City equipment, software, data or supplies.

City-owned equipment may be used only for legitimate City purposes by authorized employees. City-owned equipment used in the normal course of employment will be maintained, serviced, and repaired by the City. When employees are authorized to use their own equipment, the City will not assume responsibility for the cost of repair, maintenance, or service.

X. LIABILITY AND COSTS

The department will not be liable for damages to the employee's property resulting from participation in the teleworking program. In signing the agreement, the employee agrees to hold the City harmless against any and all claims, excluding workers' compensation claims. The employee accepts responsibility for maintaining the security, condition, and confidentiality of City equipment and materials (including but not limited to files, applications, manuals, forms) that are at the remote work site. No employee engaged in teleworking will be allowed to conduct face-to-face City-related business at the remote work site, if it is the employee’s home, unless previously approved and accompanied by their supervisor. In signing the telework agreement, the employee verifies that the remote work site, if it is the employee’s home, is free of safety and fire hazards.

The department will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities), associated with the use of the employee's residence.

XI. PROTECTION OF COMPUTER SYSTEMS AND RECORDS

The department's security controls and conditions for use of City-owned equipment for the official work location will also apply to remote work sites. All official department records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the main work site. The employee agrees to abide by any rules promulgated by the department concerning the use of computer equipment, and understands that these rules may be changed at any time with proper notice. The employee agrees to abide by any rules promulgated by the department concerning security of department records, files, and documents.

XII. FREEDOM OF INFORMATION ACT

All employees whether working at their main or remote work site should remember that any records created or maintained are subject to the Virginia Freedom of Information Act (FOIA),
located in § 2.2-3700 et seq. of the Code of Virginia. FOIA ensures citizens of the Commonwealth and representatives of the media ready access to public records held by public bodies, public officials, and public employees, except to the extent that such records are protected from release by a FOIA exemption or a special law enforcement record exclusion.

A public record is any writing or recording that exists—regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format— that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

XIII. WORKERS’ COMPENSATION

The remote work site is considered an extension of the employee’s main work site; therefore, workers’ compensation will continue to exist for the employee, in accordance with Virginia regulations, when performing official work duties at the remote work site during approved teleworking hours. Travel to and from the main work site is considered commute time and is not compensable or considered work unless it occurs during the employee’s normal working hours, and is required and approved in advance by the employee’s supervisor. Any work related injuries must be reported to the employee’s supervisor immediately.

XIV. TERMINATION OF AGREEMENT

The department may terminate the teleworking arrangement at any time with or without cause at its convenience, and this termination is final in terms of administrative review. In the event the employee ceases employment with the City, or the teleworking arrangement is discontinued for any reason, the employee agrees to return all City equipment and supplies to the main work site within 48 hours or a mutually agreed upon reasonable time period. If the employee fails to do so, the City will be reimbursed for all unreturned property.

By participating in a teleworking arrangement, the employee agrees that any termination of working from the remote work site will be non-grievable.

Approved:

[Signature]
City Manager

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