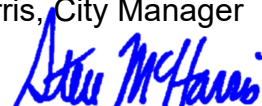




## CITY OF MILPITAS

Revision	Date
Original	04/06/2021

### CITY ADMINISTRATIVE POLICY

<b>Policy No:</b> 1.1.4	<b>TELEWORK POLICY</b>	<b>Effective Date:</b> 4/6/2021
<b>Revision No:</b> Click or tap here to enter text.	<b>Policy Administrator:</b> Human Resources	<b>Next Review Due:</b> 4/6/2022
<b>Related Policies and Procedures:</b> N/A	<b>Approved by:</b> Steve McHarris, City Manager 	<b>Date Approved:</b> 4/6/2021

#### 1. PURPOSE

- 1.1. The City of Milpitas recognizes that there are situations in which it is advisable, necessary, or acceptable for Employees to telework, doing assigned duties from a remote location (hereafter also referred to as “alternate worksite(s)”), such as the employee’s own home. Teleworking is also one method to contribute positively towards the City’s pledge to join other bay area employers to “Cut the Commute” – an effort to reduce traffic congestion and positively affect air quality and other environmental impacts. The purpose of the policy is to provide flexibility for employees and the City and to identify those situations which may be suitable for teleworking.

In order to accommodate both City-mandated and employee-requested periods of a telework, the City has developed this policy clarifying the circumstances under which teleworking can be approved, outlining the responsibilities of both the City and the teleworking employee during periods of telework and detailing the uniform procedure by which teleworking is approved and conducted.

#### 2. POLICY

- 2.1. It is the policy of the City to allow teleworking when, in the determination of the City, it meets the needs of the City’s business operations. Teleworking can be implemented as a mandatory requirement by the City when it meets business or operational needs, or it can be requested by an employee. Telework can be temporarily and mandatorily implemented by the City when workplace conditions are deemed to be unsafe, such as during public health emergencies or disasters that make workplace conditions unsafe and/or commuting to the workplace difficult.

Telework may also be authorized on a case-by-case basis to allow an employee to continue working full- or part-time when personal circumstances make daily onsite work impractical or as a perquisite to employees who are seeking a better work-life balance.

Telework approvals made under this policy may be discontinued at any time at the discretion of the Department Head or designee. Employees will have their telework authorization revoked if they do not comply with the terms of their limited duration agreement. Similarly, an employee who voluntarily requested to enter into a telework agreement may end the telework arrangement at any time.



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#### 2.2. Eligibility

Eligibility for telework depends on the classification, type of work performed, operational needs, and the ability for the employee to maintain the essential functions of their job duties. With Department Head approval, the City will provide telework assignments to those in positions that can effectively and efficiently work remotely. Teleworking is not suitable for all employees and/or all positions.

The City has the discretion to determine the employees and positions that may telework using criteria that include, but are not limited to:

1. The operational needs of the employee's Department and the City
2. The potential disruption of the City's functions
3. The ability of the employee to perform their specific job duties and meet performance objectives from a location separate from their worksite (alternate worksite) without diminishing the quantity of quality of the work performed
4. The degree of face-to-face interaction with other City employees and the public that the employee's position requires
5. The portability of the employee's work
6. The risk factors associated with performing the employee's job duties from a location separate from his or her City worksite
7. The ability to measure the employee's work performance from a location separate from his or her own worksite
8. The employee's previous performance appraisal must have been at the satisfactory level
9. The employee's Supervisory responsibilities
10. The employee's performance history and need for supervision
11. Other considerations deemed necessary and appropriate by the Employee's intermediate Supervisor, Department Head, and the Human Resources Director.

#### 2.3. Teleworking Guidelines

1. Teleworking arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee's work group, Department, and overall management of the City.
2. Employees teleworking may be required to spend a minimum number of workdays per week or per month at their primary on-site work location. Operational needs may also demand the presence of a regularly teleworking employee in the office on a regularly-scheduled telework day, with or without advance notice. Management shall attempt to provide as much notice as possible to the employee.
3. Teleworking employees are not permitted to conduct work-related, in-person meetings at their alternate worksites. Meetings must be conducted either at City facilities, other agency or professional business facilities, or through teleconferencing.



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4. Non-exempt employees who receive overtime shall be assigned a work schedule in the Teleworking and Remote Access Agreement, including meal breaks. Any deviation from the work schedule must have advanced written approval by the immediate supervisor. Non-exempt employees should take meal and rest breaks while teleworking, just as they would if they were reporting to work at their City worksite. Non-exempt employees may not telecommute outside their normal work hours without written authorization from their supervisor. A non-exempt employee who fails to secure written authorization before teleworking outside his or her normal work hours may be subject to discipline in accordance with the City's procedure for working unauthorized overtime.
5. Teleworking employees are required to be accessible in the same manner as if they are working at their worksite during the established teleworking work schedule, regardless of the alternate worksite. Employees must be accessible via telephone, email, and/or network access to their supervisor and other City employees while teleworking, as if working at their City worksite. Employees shall check and respond to their own City-related business phone messages and emails on a consistent basis, as if working at their City worksite.
6. Employees shall work their regularly scheduled number of hours, according to the Work Schedule. Employees are required to maintain an accurate record of all hours worked at the alternate worksite and record the hours on their timesheet which should be made available to their Supervisor upon request.
7. Employees with an approved telework schedule, or employees who have not been authorized to telework on a regularly scheduled basis, may be allowed to telework on occasion, with advanced approval from his/her department head.
8. While teleworking, employees shall adhere to all of the following:
  - a. Maintain reliable and secure internet and/or wireless access in accordance with City policy(ies)
  - b. Obtain approval in advance by management for all periods of employee's unavailability in accordance with Department policy and documented using the appropriate Department procedure
  - c. Ensure dependent care will not interfere with work responsibilities
  - d. Notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances
  - e. Meet the same standards of performance and professionalism expected of City employees in terms of job responsibilities, ethics, work product, timeliness of assignments, and contact with other City employees and the public
  - f. Ensure that all City documents are retained and maintained according to the normal operating procedures in the same manner as if working at a City worksite, including maintaining information security of the City's information (whether in physical or digital format)
  - g. Continue to abide by practices, policies and procedures for requests of sick, vacation, and other leaves of absence
    - i. Requests to work overtime, take vacation, or other time off from work must be pre-approved by each Employee's supervisor according to Department procedures



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- ii. If an employee becomes ill working under a teleworking agreement, they shall notify their Supervisor immediately and record the hours not worked on their timesheet using the appropriate leave code
- h. Employees must report work-related injuries to their Supervisor immediately
  - i. The City shall not be responsible for injuries or property damage unrelated to work activities, including injuries to third party persons when said injuries occur at the alternate worksite

#### 2.4. Maintain Job Performance

Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Teleworking employees must comply with all City rules, policies, practices, and instructions. A teleworking employee must perform work during all scheduled telework hours. Teleworking employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. All City rules regarding the use of computers and the internet apply while an employee is teleworking, including Remote Access, regardless of whether the employee is using City-provided or personal equipment.

#### 2.5. Cost Neutral

Teleworking is intended to be cost-neutral. The City shall not be responsible for costs associated with teleworking, including, but not limited to: the use of computer and/or cellular equipment, including energy, data or maintenance costs; network costs; home maintenance; home workspace furniture; liability for third party claims; or any other incidental costs (i.e. utilities associated with the Employee's teleworking).

When teleworking is mandatory, with permission of the Supervisor and proper documentation, authorization may be provided for an employee to use Department funds to purchase certain routine consumable supplies (i.e. notepads, pens, etc.) for use at the alternate worksite and/or transport approved consumable supplies from their City workspace to the alternate worksite. Supplies provided for the alternate worksite should be comparable to the supplies the employee uses at the City workspace. Please note that all printing is done at City facilities; the City will not purchase any printing-related supplies such as printer paper and printer ink for telework arrangements.

#### 2.6. Employee Rights

The authorization/ability to telework (or directive to telework, in case of emergency) is not subject to either the grievance procedures in any Memorandum of Understanding or to any other review or appeal procedures, except as noted in this section. An Employee who believes the Teleworking and Remote Access Agreement has been denied or the ability to telework has been encumbered for arbitrary or capricious reasons may appeal the decision to the Department Head or designee for a final decision.

Employees' salary and benefits remain unchanged when teleworking.



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#### 2.7. Alternate Worksite Equipment Requirements

The alternate worksite must be adequately equipped for the employee to conduct their regular work assignments. The worksite should be safe, secure and reasonably free of distractions. Employees who wish to be considered for telework must provide furnishings and equipment necessary to establish a suitable alternate worksite or home office (i.e. desk, chair, cell phone, etc.).

With permission of the Supervisor and proper documentation, an employee may transport certain ergonomic equipment that has been issued for their use in the City workspace to the alternate worksite for use during their Telework assignment. This equipment includes keyboard, mouse, document holder, etc. Ergonomic equipment that is permanently affixed to a desk (i.e., keyboard tray, sit-stand device) may not be disassembled or removed. Ergonomic equipment that is transported to the telework location or has been purchased with City authorization and City funds for the telework location, must be identified on the telework agreement and returned to the City workspace at the end of the telework assignment or upon separation of employment.

Employees may receive approval to use personal computer equipment or be provided with City-issued equipment at the discretion of the Department Head. If the City has provided City-owned equipment, employees agree to follow the City's procedure for the use of such equipment by completing an Equipment Checkout Form that will be provided to the employee by the IT Department. Employees will report to their supervisor any loss, damage, or unauthorized access to City-owned equipment, immediately upon discovery of event. The City will provide technical assistance for City-issued technology. The City will not provide technical support for personal devices.

Employees are responsible for ensuring that they have access to reliable internet connection sufficient to conduct business from the alternate worksite. The City will not reimburse for internet service. However, the City will provide remote access to the City's network and internet-based applications used in the course of business in accordance with City policy(ies).

Employees must take reasonable precautions to ensure their devices (i.e., computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the City's network and must closely or secure all connections to City desktop or system resources (i.e. remote desktop, VPN connections, etc.) when not conducting work for the City. Employees must maintain adequate firewall and security protection on all such devices used to conduct City work from the alternate worksite (see [Remote Access Policy No. 2.6.1](#)).

#### 2.8. Equipment Purchases

2.8.1. Essential employees who have been deemed eligible to work from home, depending on the type of work they perform, will be permitted to do so following ravel, provided work is



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available, as determined by the applicable Department Head and City Manager approval.

- 2.8.2. Non-essential City employees are subject to the County Health Officer's directive and will not be assigned work at a City location for at least 10 calendar days following any travel in violation of the directive. Telework may be authorized by the Department Head.
- 2.8.3. Essential employees may return to work sooner than the 10 days if they provide two negative COVID-19 test results, provided that the first test may not be taken earlier than two days following the return and the second test may not be taken earlier than the eight day.
- 2.8.4. Purchase of software or computer/phone, printer, equipment is not permitted. Exceptions may be allowed to purchase some items, such as computer monitors, with approval from the Department Head and the IT Department.
- 2.8.5. Purchases for furniture items such as chairs, desks etc. is not permitted.
- 2.8.6. Purchases for authorized equipment shall be made using a P-Card or Purchase Order if the vendor does not accept a City issued P-Card. Employees will not be reimbursed for purchases made even if the purchase was authorized by the Department Head.
- 2.8.7. All city purchased equipment shall be returned to the City in good working order when:
  - telework privileges cease;
  - the specific assignment ends;
  - the equipment has been deemed to no longer be necessary for the completion of the work;
  - the employee leaves city employment.
- 2.8.8. City equipment is to be used to conduct City Business only.

### 3. DEFINITIONS

- 3.1. **Alternate Worksite:** Authorized worksite, other than the City worksite, including employee's residence or other work location that supports productive work and provides an environment, connectivity, and security appropriate to the work effort.
- 3.2. **Employee:** Anyone who performs services for the City of Milpitas where the City controls what will be done and how it will be done, as per under common-law rules.
- 3.3. **Telework/Teleworking:** A flexible work arrangement under which an employee performs the duties and responsibilities of their position, from an approved worksite other than the location from which the employee would otherwise work.

### 4. PROCEDURE

- 4.1. **Requesting Approval to Telework**
  1. Employees who wish to request telework will discuss with their Supervisor whether teleworking is feasible for the job position and what telecommuting schedule allows for all regular work to be completed with minimal impact to the public and co-workers.
  2. The employee will read this policy in its entirety and ensure that their proposed alternate worksite is adequately equipped with a secure internet connection.



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3. The employee will complete the Teleworking and Remote Access Agreement and acknowledge that they will comply with all terms of teleworking as prescribed herein.
4. The employee will not perform any telework until they have received Department Head approval to do so.





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### CITY ADMINISTRATIVE POLICY

## Exhibit A City of Milpitas Teleworking and Remote Access Agreement

### SECTION 1: EMPLOYEE REQUEST

#### Employee Acknowledgement:

I, the undersigned employee (Employee), have read the Teleworking and Remote Access Policy (Policy) in their entirety and I agree to abide by the terms and conditions they contain.

I understand and agree that the Teleworking and Remote Access Agreement (Agreement) is contingent upon Department Head approval. Approval does not imply entitlement to a permanently modified position or a continued teleworking arrangement.

I understand and agree that the Agreement is voluntary and may be terminated at any time. I further understand that the City may, at any time, change any or all of the conditions under which approval to participate in the Agreement is granted, with or without advance notice.

I agree to and understand my duties, obligations, and responsibilities. I also understand it is my responsibility to provide adequate advance notification to my supervisor if I am unable to keep any of the agreed upon commitments and/or deliverables. If I fail to do so, I understand this Agreement may be immediately terminated.

#### Employee Information:

Employee Name

Email Address

Position

Work Number

#### Type of Request:

- ☐ Temporary Request
- ☐ On-going Request (to be renewed annually at Performance Appraisal)





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**Reason for request/application:**

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**Regularly Assigned Place of Employment**

The days and hours the City expects the Employee to be physically present at the City Worksite are the following:

DAY	SCHEDULE	TOTAL HOURS PER DAY
Sunday	From: _____ To: _____	
Monday	From: _____ To: _____	
Tuesday	From: _____ To: _____	
Wednesday	From: _____ To: _____	
Thursday	From: _____ To: _____	
Friday	From: _____ To: _____	
Saturday	From: _____ To: _____	

**Alternate Worksite**

The location and address of the alternate worksite is:

Street

City

Zip Code

The phone number to reach Employee at alternate worksite while working under this Agreement is:

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The days and hours (Work Schedule) the City permits the Employee to be physically present at the alternate worksite are the following:

DAY	SCHEDULE	TOTAL HOURS PER DAY
Sunday	From: _____ To: _____	
Monday	From: _____ To: _____	
Tuesday	From: _____ To: _____	
Wednesday	From: _____ To: _____	
Thursday	From: _____ To: _____	
Friday	From: _____ To: _____	
Saturday	From: _____ To: _____	

The Agreement is valid from \_\_\_\_\_ to \_\_\_\_\_. I understand this Agreement expires on \_\_\_\_\_ and may not continue unless the City approves a new Agreement in writing. The City may rescind this temporary authorization at any time and I may also choose to terminate this agreement with sufficient notice to my Manager/Supervisor at any time during the course of this agreement.

I agree to report work-related injuries to my Manager/Supervisor at the earliest reasonable opportunity. I agree to hold the City harmless for injury to third parties at the alternate worksite.

I hereby affirm by signature that I have read the Teleworking and Remote Access Policy, this Agreement, and understand and agree to all of the provisions.

\_\_\_\_\_  
Employee Name (type/print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Check One:

- ☐ Above request is an original request
- ☐ Above request revises a previously approved request
- ☐ Above request extends a previously approved request



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## SECTION 2: MANAGER/SUPERVISOR RECOMMENDATION

### Employee Telework Worksite Checklist

Does your assessment of the individual and the proposed teleworking indicate the arrangement will be practical and beneficial?

☐ Yes ☐ No

Has the Department determined the above position to be suitable for telework?

☐ Yes ☐ No

Is employee being provided any City owned ergonomic equipment to work from home? If yes, please list equipment at bottom of form.

☐ Yes ☐ No

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**Recommended by Manager/Supervisor**

**Date**

☐ Approved ☐ Denied

Reason:

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**Department Director**

**Date**

☐ Approved ☐ Denied

☐ Job classification responsibilities cannot primarily be performed remotely

☐ Job responsibilities are not portable

☐ Teleworking does not meet operational needs of the Department/City

☐ Unsatisfactory PAR

☐ Other

Reason:

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