	<p align="center">COUNTY OF KINGS California POLICY MANUAL</p>	<p>Number: 10-22 BOS Agenda Date: October 1, 2024</p>
<p>SUBJECT Teleworking Policy</p>		
<p>DEPARTMENT Administration</p>		<p>Effective Date: October 31, 2023 Revision Date: October 1, 2024</p>

1. Purpose

The purpose of this policy is to allow for flexibility in employee work locations while maintaining or enhancing County service, productivity, emergency responsiveness, recruitment, retention, and engagement levels.

2. Authority

The Board of Supervisors (Board) has exclusive jurisdictional control over all County operations, with County Administration providing administrative oversight. In addition, the Board regulates the use of telework in consultation with the County Administrative Officer, when used for official County business.


The Board authorizes teleworking to be implemented in County departments as a benefit to business operations or in the event of an emergency. When authorized, a County employee may participate in telework; all County and department policies, ordinances, practices, work assignments, and instructions apply.

3. Definitions

3.1. Telework: Telework is the practice of working from home or other non-County worksite. May also be referred to as remote work.

4. Policy

Management retains the right to determine eligibility for teleworking. Not all positions/classifications are suitable for telework, and not all employees perform satisfactorily in a teleworking arrangement. The determination and approval of an employee's participation in telework is exclusively at the discretion of the County and respective appointing Department Head. Telework is voluntary and a privilege. Teleworking is not an employee right, but rather, is available to those employees who work in positions wherein the County has determined it is beneficial and/or consistent with operational business needs. Accordingly, the department may discontinue any or all employee participation in the telework program and reserves the right to change employees' schedules based on business needs. Teleworking does not change the basic terms and conditions of employment with the County. Employees shall track their time while teleworking as they do when working in the office. All employees who telework must have an approved Telework Agreement, which is provided electronically via NeoGov Forms, in which they agree to the policies and procedures.

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Teleworking may be modified or revoked by the County Administrative Officer or Department Head at any time for any reason. Whenever practicable, the County will provide a minimum of 24-hours notice when revoking or modifying a telework arrangement unless a shorter time period is mutually agreed upon by the employee and Department Head.

If an employee is not able to telework due to a power outage or loss of internet services/VPN at their home, the employee will either: 1) make their way to their primary office location and continue their workday on-site as normal, if the County has power and internet services; or 2) remain at their telework location and take any available appropriate leave time (*e.g.*, vacation, comp time, etc.). If the County also has no power and/or internet services, then the employee may be placed on Release Time pending the restoration of power and/or internet services.

As with any work performed on behalf of the County, work at the telework site is considered official County business. Products, documents, and records used by/or developed while teleworking are the property of the department and the County and are subject to department and County rules regarding confidentiality, disclosure, and record retention requirements.

The teleworking schedule should be the same as the schedule an employee would have when working in the office unless other arrangements are made and approved by the Department Head. Hours for teleworking are County core hours of 7:00a.m. to 6:00p.m. Fair Labor and Standards Act (FLSA) nonexempt (hourly) employees are required to perform work duties within an established schedule and shall adhere to scheduled rest and meal breaks. Teleworking will only be allowed up to two days during a week; those two days can be consecutive or separated, and all is contingent on approval from the Department Head. An employee authorized to telework may not alter their work schedule or work additional hours beyond their authorized hours without prior written authorization from the Department Head or County Administrative Officer. FLSA exempt employees may be required to work core hours, as directed by the Department Head. Department Heads will be responsible for any FLSA violations.

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 County policy. Sick leave is provided by the County to employees who due to illness or injury are unable to report to work or telework and perform their duties. Employees unable

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to report to work due to illness may not be permitted to telework in lieu of reporting to work.

Employees are not required to use their personal phone for communication with customers but may elect to do so. The employee is encouraged to block their number. Employees are responsible for all telecommunications expenses and connectivity charges resulting from the teleworking arrangement. The County assumes no responsibility for any operational costs or liability associated with the employee's telework worksite, including home/building maintenance, computers or laptops, personal office equipment, office supplies, office furniture, insurance, utilities, or internet costs as this is policy is voluntary.

An employee who teleworks cannot bring clients, customers, vendors, or other persons into their telework location to conduct County business.

The normal work location for an employee shall be the County worksite. An employee's commute to the County worksite shall not be compensable time and mileage shall not be reimbursable. Whenever practicable, management will provide 24-hours advance notice if the employee authorized to telework is required to report to the County worksite. However, an employee authorized to telework may also be required to report to the County worksite on shorter notice to address immediate urgent business. Such a requirement does not constitute call-back pay. The County shall not reimburse a teleworking employee for mileage when an employee is required to report to the County worksite unless provided by the employee's applicable MOU or County Travel Policy.

In order to be eligible to participate in the teleworking agreement an employee must not be on an initial probationary period, have satisfactory performance evaluation rating on their last performance evaluation, and an employment record free of formal disciplinary action (e.g., suspension or demotion) for the preceding six (6) months, and have at least a minimum 20 hours of accrued sick leave. If the accrued sick leave falls below the 20-hour threshold the employee will no longer be able to participate in teleworking until the following next quarter when the hours are back up to a minimum of 20 hours (e.g., April, July, October, and January). Upon written request of the department head, a combination of 20-hours of sick time and vacation can be considered and must be approved by the County Administrative Officer. If an employee is a County employee and promoted and was in satisfactory standing in the previous classification, the Department Head may approve teleworking for the subsequent probationary period.

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In order to participate the employee must be in good standing without being on a Performance Improvement Plan or sick leave restriction.

If an employee is traveling out of State, or is not working from their primary residence, and is requesting to telework, the department head must send a written request to County Administrative Officer with their recommendation and support of the employee’s request. All exceptions under this section must be approved by the County Administrative Officer before the department head permits such exceptions..

This policy supersedes any pilot teleworking agreement.


5. County Equipment

The County may, at its discretion, provide teleworking equipment such as a computer, laptop, tablet, cell phone, or supplies. An employee authorized to telework will need to work with their department for all telework devices such as a computer, laptop, tablet, cell phone, or supplies. Any equipment/supplies provided by the County will remain the property of the County and will be returned to the County upon request. All County policies and procedures and departmental policies and procedures involving County equipment apply to employees using County equipment at the telework worksite. Employees shall not connect to any device (e.g., printer, scanner, USB) not issued by the County and/or department when working from home other than the employee provided internet. Employees shall not print documents offsite.

Employees using County-provided teleworking equipment must be able to independently transport and set-up the equipment at their telework site unless other arrangements are pre-arranged by the Department Head.

6. Computer Security

The Information Technology Department (ITD) will maintain a list of resources, required security guidelines, and a self-assessment checklist for employees to use to help secure their telework technology devices. Employees will access the County applications and resources utilizing the County’s standard Virtual Private Network (VPN) connectivity methodology. Employees accessing County resources over VPN, on either personal or County issued devices, will be required to have an anti-virus program installed and operational at all times. Access to County resources will be classified using a Host Information Profile (HIP) within the VPN software. Access to County resources on personal devices will be limited to remote desktop. Full access to County resources over VPN will only be provided on County issued and maintained devices.

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Personal computer/electronic device use is not allowed without prior authorization from the Department Head in consultation with the ITD. An employee authorized to telework who uses their personal computer/electronic device is responsible for following all security guidelines including data encryption and password policies, in accordance with the IT Acceptable Use Policy.

County employees must not save any County records on personal computers/electronic devices or transmit County records via personal email accounts. County records saved on an employee’s personal computer/electronic device may subject an employee to records release and search laws.

Employees are required to ensure the integrity and confidentiality of all information and take steps to ensure County, confidential, Federal Tax Information (FTI) or other Personal Identifying Information (PII) is not viewed or available to non-County employees. Only employees are allowed access to confidential information in County accessible database applications. Employees must ensure that the security of the data is maintained while teleworking. Physical resource materials, such as handwritten notes, should be kept to a minimum and secured when not in use. The display screens for all systems used to handle County sensitive information must be positioned such that they cannot be readily viewed by unauthorized persons through a window, over a shoulder, or by similar means.


Employees shall immediately report any issues (including but not limited to potential data breaches, viruses, compromised documents, loss, or theft) to their supervisor and department head and the Information Technology helpdesk.

An employee authorized to telework is responsible for following all guidelines provided in the Safety Checklist.

7. Telework Agreement

An employee who is authorized to routinely telework must complete a Telework Agreement via NEOGOV. If approved by the Department Head, the Telework Agreement will be signed. A telework agreement effective after the adoption of this policy is required to participate, all previous agreements are voided.

GUIDELINES FOR ESTABLISHING TELEWORK

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The Department Head will determine if they wish to establish a teleworking arrangement in their department. Prior to establishing a telework program, they may consider the following:

- Not all jobs are eligible for telework based on the nature of the job; some positions may not be eligible
- The work can be performed from a remote or alternative non-County location
- The work can be performed without negatively impacting service delivery
- There is a clear way to measure the work the employee completes
- The alternate worksite is suitable for the type of work to be performed
- Sensitive and/or confidential data is reasonably protected and not placed at a higher risk because of the telework arrangement; and will the arrangement comply with the security requirements of Internal Revenue Service (IRS) Publication 1075, including worksite inspections


8. Management Responsibilities

- Determine positions are appropriate for telework
- Develop and approve productivity, performance, workflow and communication standards and expectations for an employee authorized to telework
- Ensure adherence to work standards and County and department policies, procedures, work rules, laws, and regulations
- Maintain efficient and effective work operations and ensure that authorized telework agreements do not interfere, disrupt, or have any negative effects or consequences to County operations

9. Employee Responsibilities

- Sign and adhere to Telework Agreement via NEOGOV
- Secure computer systems in accordance with County and department guidelines of County records so that confidentiality is maintained
- Sign a Health Insurance Portability and Accountability Act (HIPPA) privacy agreement - if the department is a HIPPA covered entity
- Secure and arrange the workspace to protect confidentiality of County records and to maintain a safe work environment, as outlined above
- Comply with all workplace policies and expectations including communication and availability protocols

10. References

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- Telework Agreement eform

11. Amendments

The County Administrative Officer or designee is authorized to make amendments in adherence to MOU, ordinance, or law.

13. Minimum Standards

This policy sets the minimum standards for teleworking. A Department Head may impose additional controls for their staff or specific individuals.