

The Administrative Manual: The Policies and Procedures of Cortland County Government
Telecommuting/Telework Guidelines and Protocols Policy

Policy/Procedure Number: 01.006

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Next Scheduled Review:

Objective: To establish a policy and procedure to encourage, where appropriate, the use of alternative work arrangements in order to fulfill the mission of the County.

Reference (All applicable federal, state, and local laws):

Legislative Policy Statement:

Responsible Department: Personnel Department

General Information: The purpose of this policy is to provide guidelines governing staff telecommuting/telework and to establish best practices when authorizing and making arrangements for an employee to telecommute/telework.

I. Definitions:

- Alternative Workplace Solutions (AWS): An alternative to typical office design and use predicated on permanently assigned County provided workspace. It includes such options as telecommuting or other alternative arrangements that have been agreed to by the Department Head and the employee.
- Appropriate Alternative Worksite: Typically the employee's residence that supports work and provides appropriate information technology (IT) connectivity and security precautions in support of the work.
- Centrally Located Worksite: Cortland County provided workspace where the employee would be required to work if they were not granted an AWS arrangement.
- Emergency Situation: An event, incident, or circumstance that interrupts or compromises operations at, or travel to or from, the Centrally Located

Worksite. It may include a range of situations including, but not limited to, civil disruptions, inclement weather and associated travel conditions, natural disaster, public health emergencies, power outages, water main breaks, unusual traffic situations, or other scenarios where access to the worksite is compromised.

- Emergency Alternative Workplace Solutions: Emergency alternative workplace solutions performed in response to an approved emergency situation, including in response to an operating status announcement at the discretion of the County Administrator.
- Mobile Work: Work that is characterized by regular travel to and work performed in client locations or third-party worksites as opposed to the centrally located worksite. Mobile work may consist of fieldwork, such as site visits, site inspections, investigations, and court proceedings. It is distinguished from telecommuting in that the work must take place away from either the centrally located worksite or the appropriate alternative worksite and its specific to a target site or location. Mobile work may be combined with AWS.
- Remote Work: Performing the duties and responsibilities of the position and other authorized work activities at least one (1) or more days each work week on a regular and recurring basis from an appropriate alternative worksite instead of commuting to the employee's centrally located worksite.
- Telecommuting: A flexible work arrangement that allows an employee to work at home or elsewhere for part or all of the employee's regular work schedule.
- Telework: A work arrangement in which supervisors direct employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at a temporary worksite for an limited duration.
- Voluntary: Employee's choice to participate in an AWS.

II. Policy:

- A.** Telecommuting/Telework requests are submitted by the employee or the person's designee for review and approval. AWS arrangements may be implemented where appropriate and approved by the Department Head and County Administrator for eligible employees, upon notice to the County Administrator and Personnel Director of the terms and conditions of the arrangements.
- B.** Telecommuting/Telework arrangements are not appropriate for all employees. No employee is entitled to, nor guaranteed the opportunity to have an AWS schedule. It is not a universal employee benefit and employees do not have the "right" to AWS arrangements. Offering the opportunity for an AWS arrangement is based on the discretion of the employee's Department Head. All employee's participation is mutually agreeable, except in case of emergency when employees may be required to work from home. All AWS arrangements must meet the criteria in this policy and may be terminated at any time by the Department Head. Each employee request will be considered and approved on a case-by-case basis under special circumstances such as a pandemic or natural disaster.
- C.** Telecommuting/Telework will be used when appropriate to the particular needs of the Department and employee. Implementation and termination of the AWS agreements will be at the discretion of the employee's Department Head.
- D.** Telecommuting/Telework may be approved on a time-limited basis and exceptions may be required to meet departmental needs.
- E.** Denial and termination decision are based on business needs or performance not personal reasons and are not grievable or arbitrary.

- F.** Individual approved telecommuting/telework arrangements will be reviewed every two (2) weeks to determine whether or not the arrangement should continue forward.
- G.** Supervisors are responsible to develop a means of evaluating hours worked or work performance, and holding the employee accountable, as they would normally do for staff working in the office.
- H.** The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not limited to performance management. Telecommuting/Teleworking assignments do not change the conditions of employment or required compliance with policies and procedures.

TERMS AND CONDITIONS OF TELECOMMUTING/TELEWORKING ARRANGEMENTS

All telecommuting/teleworking arrangements shall be in writing and include the responsibilities of both the agency and the employee. An employee wishing to request an AWS arrangement shall submit a written request to the employee's Department Head. An AWS arrangement must be mutually agreed upon in writing by the employee, Department Head, and the County Administrator. A copy of said agreement must be provided to the County Administrator and Personnel Director. Any changes, other than termination of the arrangement, to the written arrangement must also be documented in writing and approved by the employee, Department Head and County Administrator. Each participant in a teleworking arrangement must sign the document that contains the terms of the teleworking arrangement.

At a minimum, the telecommuting/teleworking arrangement shall comply with the policy provisions below:

- A.** Compensation and Benefits: An employee's compensation and benefits will not change when the person works.
- B.** When working at home or elsewhere, the telecommuter/teleworker is responsible for establishing and maintaining an adequate and safe work environment. The employee is responsible for providing the space,

printing, network and/or internet capabilities and security at the appropriate alternative worksite, and shall not be reimbursed by the County for these or related expenses.

- C.** When working at home or elsewhere, the telecommuter is responsible for establishing a work environment free of interruptions and distractions that would affect performance.
- D.** The total number of hours that employees are expected to work will not change. This does not, however, restrict the use of alternative work schedules:

 - 1. Employees are expected to perform their work during standard business hours with reasonable amounts of time for breaks and lunch allotted.
 - 2. If the employee does not complete a full work day (if required pursuant to employment contract), accruals will be required to be charged.
 - 3. The telecommuter/teleworker and the Department Head will have agreed on the number of days of telecommuting allowed each week. The telecommuter/teleworker will maintain the assigned schedule
 - 4. The telecommuter/teleworker will maintain the agreed upon work schedule and be accessible via telephone and email during telecommuting hours.
 - 5. All work related communications by the telecommuter/teleworker must be sent to the employee's Supervisor, or Department Head or designee.
- E.** Just as the employee would do at the primary work location, the telecommuter/teleworker is responsible for recording hours worked, vacation, sick, or other leave on the designated time sheet. This time sheet

will be signed, dated, and submitted electronically at the end of each day to the employee's immediate Supervisor, or Department Head or designee

- F.** Time at home or elsewhere spent in activities other than work must not be submitted as work-time; such circumstance would constitute falsification of time records for time not worked (theft of time) and could be grounds for discipline up to and including termination of employment.
- G.** In addition to the daily time log, each day the telecommuter/teleworker will email the Supervisor, or Department Head or designee, to confirm the start of the work day, breaks, lunch, and the end of their work day.
- H.** Staff are required to clearly document and log all work activities that are completed. Employees will submit this completed and signed log at the end of each day to their immediate Supervisor, or Department Head or designee.
- I.** If an employee is not performing work during the telecommuting or teleworking hours, they must charge accrual time.
- J.** If an employee falsifies time documents or is not performing at the expected level, the telecommuting/telework agreement may be revoked and the employee subject to discipline to an extent equivalent to the sanctions to which the employee would have been subjected if working from the main work site.
- K.** Telecommuting/Telework is not intended to permit employees to have time to attend to personal business, such as performing outside employment or providing dependent care or elder care. Employees who have an AWS arrangement are expected to have child and/or elder care arrangements during the period of time that they will be working.
- L.** The Telecommuter/Teleworker and the Department enter into a good faith arrangement when permitted an employee to perform their work assigns off site. If, for any reason the Department has reason to believe the

Telecommuter/Teleworker is not acting in good faith in their performance of work during the employee's documented work hours, the Department may request further documentation and/or information regarding the employee's alternate work site environment and its suitability to perform the employee's work assignments.

M. Performance standards for off-site employees are the same as performance standards for on-site employees.

N. Supervisor expectations of a teleworker's performance and work assignments should be clearly outlined, agreed to, and understood, in advance of the start of the telecommute/telework event. As with on-site employees, teleworkers must and can be held accountable for the results they produce.

O. Supervisors will:

1. Remain equitable in assigning work and rewarding performance.
2. Avoid distributing work based on "availability" as measured by employee presence in the office.
3. The Supervisor will set up regular discussion during which the supervisor and employee can review completed items and the status of items in progress.
4. Give feedback as you would with any employee. It should be direct and offer examples of where the employee is meeting or failing to meet expectations. Feedback should also give the employee the opportunity to seek clarification.
5. Address problems and resolve quickly before they escalate to the detriment of the telecommuting/telework arrangement.

P. The County has limited amount of laptops available for telecommuters/teleworkers. If available, the County will have the telecommuters/teleworkers sign out available equipment for utilization. This is the preferred option for telecommuters/teleworkers. If the county does not have available laptops to sign out, telecommuters/teleworkers will generally be required to provide their own computer equipment, software, and peripherals. The following are the rules related to equipment and costs:

1. Employees who are approved for telecommute/telework will be provided temporary VPN access to the person's desktop so work can continue to be done as if the person were working on the computer in the office. This is so all work completed, saved, and downloaded will remain on the County system. Employees are not authorized to save any work documents, emails, etc. to the employee's personal equipment's internal or external hard drive or desktop.
2. An employee who uses their own personal equipment for telecommuting/telework acknowledges and releases the County and the person's Department from any and all liability.
3. If County equipment is used, the employee must exercise reasonable care for the equipment and the employee may be held liable for damage caused by negligence.
4. County equipment should not be used for personal/other purposes beyond the incidental personal use it might receive if in the office.
5. Damage to any personal equipment being used for telecommuting/telework is generally the responsibility of the telecommuter. Preventable damage (as determined by

the Department Head) to any County equipment being used for telecommuting is the responsibility of the telecommuter/teleworker.

6. Normal wear and tear on personal equipment being used for telecommuting is the responsibility of the telecommuter/teleworker. Normal wear and tear (as determined by the Department Head) on County equipment being used for telecommuting/telework is generally the responsibility of the Department.
7. Internet costs which are necessary for email and search functions are paid for by the telecommuter/teleworker.

Q. Work related long-distance telephone (voice) expenses that may be incurred by the employee at home will not be reimbursed by the Department. Work related long-distance and regular phone expenses are the responsibility of the telecommuter/teleworker.

R. Employees must take responsibility for the security of the data and other information that they handle while telecommuting/teleworking. This means they need to safeguard information and data including:

1. Be familiar with, understand, and comply with all HIPAA and Confidentiality policy and safety protocols for accessing any local and state systems remotely.
2. Participate in confidentiality training.
3. Maintain security of any relevant materials, including files, correspondence, and equipment, separating them from personal property and equipment.
4. No protected health information or otherwise confidential information should be kept on personal electronic

equipment, in accordance with HIPAA and other confidentiality rules.

5. Have a private space when conducting business discussions via the telephone with individuals, clients, supervisors, etc.
6. Assure that no other members of their household views or has access of any kind to any client materials or information. Breach of confidentiality is grounds for discipline.

S. Telecommuting/Teleworking employees must report their inability to conduct work due to illness or personal issues just as they would on a non-telecommuting/non-telework day. If a pattern of usage of unscheduled absences in connection with telecommuting/teleworking days becomes noticeable and the Department suspects abuse, the Department will address the situation with the employee. If the situation is not resolved to the Department's satisfaction, the telecommuting/teleworking agreement can be revoked and the employee may be subject to discipline.

T. Employees who remote work will be covered by workers' compensation for all job-related injuries occurring during their defined work period. The employee is responsible for maintaining a safe or ergonomic working environment, including the work area, bathroom, and other areas that may be necessary for working during the remote working arrangement. Workers' compensation will not apply to non-job-related injuries that occur at the remote work site. The employee also remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises. Cortland County will not be responsible for injuries to third parties or members of the employee's family that occur on the employee's premises and the employee will hold the County harmless for injury to others at the remote work site.

- U. In the event of a job-related incident, accident or injury during AWS working hours, the employee shall report the incident to their supervisor as soon as possible within twenty- four (24) hours and follow established procedures to report and investigate workplace incidents, accidents, or injuries.
- V. AWS employees shall not hold business meetings with internal or external clients, customers, or colleagues at their residence.
- W. The agency may terminate the teleworking agreement at its discretion and at any time. The Department may determine that it is no longer in the best interest of the County to continue the telecommuting/telework arrangement. For example, the Department might deem that an employee's tasks are no longer suitable for telecommuting/telework; find that work product, productivity, or accountability standards are not being met; or a short- term need or other premise that gave rise to the telecommuting/telework arrangement may no longer exist. When the Department determines to terminate the Telecommuting/Telework Agreement, it will provide a minimum of seventy-two (72) hours' notice or less if mutually agreeable between the County and the employee to return back to the office for all work activities. Termination of a telecommuting/teleworking arrangement by Administration is not a situation that can be grieved or arbitrated.

ADD AGREEMENT FORMS