

TELECOMMUTING

Purpose

The City of Rochester supports increased employee engagement and productivity through the use of flexible work arrangements. Telecommuting, which involves the performance of work at a non-City location, is a flexible work arrangement that may be utilized in cases where it is mutually beneficial to the employee and the City. Telecommuting does not change an employee's duties, obligations, responsibilities, or any terms and conditions of City employment.

Policy

City supervisors are responsible for reviewing *Request to Telecommute* applications as submitted by employees and determining eligibility to telecommute using the criteria described within this policy. An application must be completed when the requested telecommuting arrangement is regular and recurrent, including both full-time and part-time requests to telecommute. Supervisors may approve telecommuting without a completed application in cases where the request is occasional, infrequent, or intermittent, such as telecommuting on a bad weather day. If a telecommuting request is approved, the employee and their supervisor will enter into a telecommuting agreement. This agreement does not create a contract of employment with the City and may be modified or discontinued at the City's discretion. In addition, a telecommuting employee is still subject to all City policies, procedures, practices, and collective bargaining agreements in the same manner as when they worked onsite at a City location.

Nothing in the City's Telecommuting Policy, including eligibility to telecommute or modification/discontinuation of a telecommuting agreement, is subject to grievance or other appeal rights.

Eligibility

Telecommuting is a privilege of employment and not an entitlement. Eligibility to telecommute will be evaluated on the availability of legitimate/meaningful work as well as the nature of an employee's position and their work performance.

An employee's position may be suitable for telecommuting when the duties:

- Are independent in nature
- Can be broken down into measurable deliverables
- Do not require frequent interaction at the regular worksite with others
- Do not require the employee's immediate presence at the worksite to address unscheduled events
- Are not essential to the routine management or oversight of on-site workflow

Employees may be eligible for telecommuting when their performance at the worksite demonstrates the following:

- Dependability and responsibility
- Effective communication with others
- Self-motivation as shown through a consistently high rate of productivity
- The ability to work independently and prioritize work effectively
- A high level of skill and knowledge of the job
- Good organizational and time management skills

Generally, employees are not eligible to telecommute within a new-hire probationary period or in cases where there are recent (within the previous 12 months) or ongoing performance concerns/discipline that may affect an employee's ability to be successful in a telecommuting arrangement.

Expectations

The approval to telecommute does not change onsite work expectations for employees including, but not limited to, expectations regarding accessibility, performance of work, and absence reporting.

Accessibility

Telecommuting employees are expected to communicate and adhere to their scheduled work hours during which time they will be accessible to other teammates and/or customers. Telecommuting employees are expected to attend scheduled on-site meetings unless supervisory approval has been granted. City meetings may be conducted virtually or in an off-site location, but not onsite at an employee's residence.

Work Activities

A telecommuting employee must perform work during scheduled telecommuting hours. Employees must account for and report time spent telecommuting similar to the regular worksite, or according to the terms of their telecommuting agreement. Non-exempt employees may work overtime only when directed to do so and approved in advance by the supervisor.

As a general rule, employees may not engage in activities during paid time telecommuting that would not be permitted at the regular worksite. It is not acceptable for employees to have caretaking responsibilities (such as for dependent children or elders) during the time designated for telecommuting.

Work Absences or Downtime

Telecommuting employees must obtain advance approval to use vacation, sick, or other time off in the same manner as onsite employees and in accordance with applicable City policies. If an employee becomes ill during the work shift, they must report hours actually worked and use accrued leave to cover the remainder of the work hours.

Employees with approved telecommuting agreements must inform appropriate City staff and their supervisor if connectivity, equipment failure, or other factors result in downtime. In these cases, a supervisor may require to employee to work onsite, reassign the employee to other work, or utilize accrued time off to cover the time that the employee was unable to work.

Alternate Work Location

Telecommuting employees must work in an area that allows them to perform work safely and efficiently. Depending on the work performed, the City will provide telecommuting employees with necessary equipment, software, and supplies. A telecommuting employee does not obtain any rights to City equipment, software, or supplies provided in connection with telecommuting and must return all City-issued property at the conclusion of the telecommuting agreement or upon the City's request. In cases where employees utilize their own equipment for the performance of City work, it must comply with City security standards and technology policies.

The intent of a telecommuting arrangement is for it to be cost neutral to the City. Accordingly, costs related to setting up, furnishing, remodeling, operating, and maintaining an alternative work space are the responsibility of the employee. The City reserves the right to visit and inspect the designated workspace to ensure

safe and ergonomically sound working conditions exist. The telecommuting employee must also carry personal liability and/or homeowners insurance for the duration of the telecommuting agreement. Any tax implications of the alternate worksite are the sole responsibility of the employee.

Telecommuting employees are covered under Workers' Compensation laws when performing work duties at their designated work location during their scheduled working hours. If a telecommuting employee suffers a work-related injury, they must notify their supervisor and complete required forms immediately.

Data Security

In accordance with the Minnesota Government Data Practices Act (MGDPA), all files, records, documents, or other materials created while telecommuting is considered government data and property of the City. It is the telecommuting employee's responsibility to ensure that any data under MGDPA considered private, non-public, or confidential is stored in secure files or databases, which are not accessible to individuals unauthorized to access this data. Telecommuting employees are responsible for identifying and safeguarding all private, non-public, or confidential data in their possession.

Policy Violations

Violations of this policy may result in the rescission of an established telecommuting agreement and/or disciplinary action up to and including the termination of employment.

Policy revisions approved by City Administrator:



Steve Rymer

July 18, 2020

Date

Current Revision: Jun 2020

Adopted: Jul 1999