

**CITY OF OAKLAND**  
**ADMINISTRATIVE INSTRUCTION**



<b>SUBJECT</b>	<b>Employee Telecommute Program Policy</b>	<b>NUMBER</b>	594
<b>REFERENCE</b>	None	<b>EFFECTIVE</b>	January 15, 2021
<b>SUPERSEDE</b>	None		

**I. PURPOSE**

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

Telecommuting benefits employees, departments, and the community. Benefits include:

- Ability to function during a Shelter-in-Place or other emergencies when the regular worksite 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
- Reduced employee commute time and costs
- Decreased energy consumption, air pollution, traffic and parking congestion, and transit overcrowding.

Departments should consider all eligible employees' requests to telecommute. All employees must adhere to the Telecommute policy and arrangement and will report to work upon termination of the program or unless otherwise notified in writing.

**II. POLICY**

Telecommuting is a privilege, not a right. All City employees who telecommute must have an approved telecommuting agreement under this policy. A Department may have additional telecommuting requirements, guidelines, or procedures, provided they are consistent with the intent of this program.

Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Telecommuting employees must comply with all City rules, policies, practices, and instructions. Departments must maintain a copy of the Employee Telecommute Agreement and provide a

copy to Human Resources Management.

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 regular worksite. Telecommuting employees may take care of personal business during unpaid lunch and break periods, as they would at the regular worksite.

Employees must read the telecommuting policy and submit an agreement through the departmental approval process.

A supervisor or a department may deny, end, or modify a telecommuting agreement for any business reason that is not arbitrary or capricious. Similarly, a telecommuting employee may end or request to change a telecommuting agreement at any time. Employees may be removed from the Telecommuting Program if they do not comply with the terms of their telecommuting agreements.

The Telecommuting Policy and Program is intended to be cost neutral. The City is not required to provide telecommuting employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.).

Departments have the sole discretion to provide equipment, software, or supplies, or allow employees to use their personal equipment while telecommuting. Departments providing equipment, software, or other supplies to telecommuting employees must reasonably allocate those resources based on operational and workload needs.

All City rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using City-provided or personal equipment.

### **III. ELIGIBILITY**

Eligibility for telecommuting is based on both the position and the employee. Not every job, or every employee, is well-suited for telecommuting.

#### **A. Position eligibility**

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

- Are independent in nature
- Are primarily knowledge-based
- Lend themselves to measurable deliverables
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or the public, in person or by phone
- Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible
- Are not essential to the management of on-site workflow.

#### **B. Employee Eligibility**

The following performance characteristics, as determined by the supervisor, will contribute to employee success during telecommuting:

- Demonstrated dependability and responsibility
- Effective communication with supervisors, coworkers, and clients
- Demonstrated motivation
- The ability to work independently

- A consistently high rate of productivity
- A high level of skill and knowledge of the job
- The ability to prioritize work effectively
- Good organizational and time management skills.

Employees who do not meet performance or conduct expectations, including being responsive during business hours, are not eligible to telecommute.

#### **IV. AGREEMENT OPTIONS**

Telecommuting agreements can be on a regular and recurring, or an occasional basis.

Regular and recurring means an employee works away from the regular worksite on an established day or days, and on a recurring schedule. During extraordinary circumstances (i.e., Shelter-in-Place, Declared Emergencies, etc.), employees may work away from the regular worksite on a full-time basis.

Employees who telecommute on a regular and recurring basis must be available to work at the regular worksite on telecommuting days if needed. Conversely, employees may, from time to time, request temporary changes to their regularly scheduled telecommute days, and such requests should be accommodated by the supervisor if possible. Employees must obtain prior authorization to change a regularly scheduled telecommute day.

Occasional telecommuting means an employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria.

#### **V. TRAINING**

Telecommuting employees must be able to remotely access city network, applications, email and/or other electronic resources required to successfully perform regular work duties. Training and resources are available on the City's website: <https://www.oaklandca.gov/services/telecommute-program>

All telecommuting employees, and all supervisors, managers and department heads with telecommuting staff, shall be familiar with telecommuting resources. Supervisors may require employees to take telecommute trainings to increase performance effectiveness and efficiency.

#### **VI. WORK HOURS**

All the rules applicable at the regular worksite are applicable while telecommuting. That is:

- Telecommuting employees must perform designated work during scheduled work hours
- Employees must account for and report time spent telecommuting the same way they would at the regular worksite, or according to the terms of the telecommuting agreement
- Employees may work overtime only when directed to do so and scheduled and approved in advance by the supervisor
- Employees must obtain approval to use vacation, sick, or other leave in the same manner as departmental employees who do not telecommute
- Telecommuting employees who become ill must report the hours actually worked and use sick leave for hours not worked.

## **VII. WORKSITE**

A telecommuting employee must have a work area that is suitable for performing official business. Requirements for the work area will vary depending on the nature of the work and the equipment needed, and may be determined by the department.

Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently. Employees shall ensure their work areas comply with health and safety requirements. The City and/or department, in consultation with Risk Management, may request photographs of the employee's designated work area to determine compliance with health and safety rules.

Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while telecommuting must notify their supervisor and complete any required forms immediately.

The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

## **VIII. EQUIPMENT AND SUPPLIES**

A telecommuting employee must identify the equipment, software, supplies, and support required to successfully work at an alternate location, and must specify those items in the telecommute application and agreement form. If the department does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telecommute.

### **A. City Equipment**

Equipment, software, or supplies provided by the City are for City business only and used in compliance with Administrative Instruction 140 – Electronic Media Policy.

A telecommuting employee does not obtain any property rights to City equipment, software, or supplies provided in connection with telecommuting. The employee must immediately return all City equipment, software, and supplies at the conclusion of the telecommuting arrangement or at the department's request.

A telecommuting employee must protect City equipment, software, and supplies from possible theft, loss, and damage. The telecommuting employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

Any equipment, software, files, and databases provided by the City shall remain the property of the City. A telecommuting employee must adhere to all software copyright laws, and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior written approval.

### **B. Personal Equipment**

Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment.

Telecommuting employees must understand and agree that the City is entitled to, and may access,

any personal equipment used while telecommuting, such as a personal computer, telephone, fax machine, monthly bills, and internet records.

Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while telecommuting.

## **IX. SECURITY OF CONFIDENTIAL INFORMATION**

All files, records, papers, or other materials created while telecommuting are City property. Telecommuting employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them, in compliance with Administrative Instruction 598 – Handling of Confidential Information. A department may require employees to work in private locations when handling confidential or sensitive material. Departments may prohibit employees from printing confidential information in telecommuting locations to avoid breaches of confidentiality.

Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to City networks or databases to anyone who is not authorized to have access.

## **X. SUNSHINE LAWS**

The California Public Records Act and the Oakland Sunshine Ordinance regarding public information and public records apply to telecommuting employees. Public records include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the City regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a telecommuting employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

## **XI. PROCEDURES**

### **Responsible Party**

Employee

### **Action**

1. Talk to Supervisor to determine eligibility
2. Read and agree to the Employee Telecommute Program Policy
3. Take required Telecommute Program training when available
4. Complete the Telecommute Application and Agreement
5. Receive approval of the Telecommute Agreement in accordance with the approval process

Supervisor

1. Talk to Employee to determine eligibility
2. Read the Employee Telecommute Program Policy
3. Take required Telecommute Program training when available

4. Review and evaluate the Employee Telecommute Application and Agreement
5. Determine employee suitability for participation in the Telecommute Program using the criteria detailed in this policy
6. Approve, deny or modify the Employee Telecommute Agreement.
7. Monitor and evaluate employee performance based on the above criteria and on the employee's annual performance plan
8. Monitor and track all City equipment that is used by employees for telecommuting purposes
9. Maintain copies of Employee Telecommute Agreements.

Department Head or Designee

1. Review and approve, deny or modify Employee Telecommute Applications
2. Ensure employees in the Telecommute Program are handling sensitive or confidential material appropriately
3. Determine operational and employee suitability for participation in the Telecommute Program using the criteria detailed in this policy
4. Approve, deny or modify the Employee Telecommute Agreement
5. Monitor and track all City equipment that is used by employees for telecommuting purposes
6. Addresses Employee Appeals related to the Telecommute Program

Department of Human Resources Management

1. Administer the Employee Telecommute Program and issue additional departmental requirements, guidelines, or procedures that are consistent with this policy
2. Receive Employee Telecommute Applications and maintain records.




---

**EDWARD D. REISKIN**  
City Administrator

Application and Agreement on following pages