

TEMPORARY TELECOMMUTING POLICY

In response to the COVID-19 outbreak and guidance from the state and county departments of public health with regard to social distancing, and pursuant to Administrative Instruction 257 (Prevention and Response to Communicable Diseases in the Workplace Including H1N1 Influenza and Other Pandemic Diseases), the City will temporarily allow eligible employees to telecommute, with approval from their Department Director. This temporary policy applies citywide, and Departments are strongly encouraged to make telecommuting available to all eligible employees in their departments in support of public health goals of limiting the spread of the virus. Employees must adhere to this policy and guidelines below.

Approved telecommuting and this Policy is in effect for the duration of the Local Emergency, which is currently in effect through May 10, 2020. All employees that have been granted permission to work from home must return to the office upon termination or extension of the Local Emergency unless otherwise notified in writing.

1. Telecommuting.

Telecommuting is an agreement between the City of Oakland and an employee that allows them to work in a designated area outside the office, including from home.

2. Temporary City Policy on Telecommuting.

Telecommuting in some workplaces supports public health guidance regarding social distancing. The ability to telecommute is a privilege, not a right, and within the discretion of the Department Head. All City employees who are allowed to telecommute must sign an approved telecommuting agreement. The Department must maintain a copy of the Agreement and provide a copy to Human Resources Management. Telecommuting does not change any job responsibilities, obligations, or terms and conditions of employment.

Employees telecommuting must comply with all City rules, policies, practices, and instructions. A telecommuting employee must perform work during scheduled telecommuting hours and be available via telephone and email during working hours. Employees may not engage in activities while telecommuting that would not be permitted at work, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid breaks and lunch periods, as they would at their regular worksite.

A supervisor or a department may deny, end, or modify a telecommuting agreement for any reason. Similarly, a telecommuting employee may end telecommuting at any time. Employees will not be allowed to telecommute if they do not comply with the terms of their telecommuting agreements. All telecommuting arrangements will terminate effective for the duration of the Local Emergency, which is currently in effect through May 10, 2020, unless this policy is extended in writing by the employee's Appointing Authority.

The City is not required to provide employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, copier, etc.) and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.). Departments may, but are not required, to provide equipment, software, or supplies. If provided, however, the City may prohibit employees the use of their personal equipment while telecommuting. 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.

3. Eligibility.

Not every City position will be eligible to telecommute. The City will strive to ensure that approval for telecommuting is based in public health guidance and in compliance with Administrative Instruction 71. For this temporary Telecommuting Policy, general guidelines for allowing telecommuting include, but are not limited to the following:

- Work that can be performed away from the workplace without the need for regular public contact or frequent interaction at work with supervisors, colleagues, or clients.
- The employee's immediate presence at the regular worksite to address City business or public safety are not regularly required.
- Work is not essential to the management of on-site workflow.

Employees who are not meeting performance expectations or are not responsive during their schedule shift will have their telecommuting agreement rescinded. Additionally, failure to adhere to this policy will result in the immediate termination of the telecommuting agreement.

4. Work Hours.

Telecommuting employees must perform work during their designated schedules and must report time spent telecommuting the same way they would at a regular worksite. Employees must receive authorization to work overtime from their supervisor and must obtain approval to use sick leave, vacation leave, and any other paid leave in accordance with the operable Memorandum of Understanding (MOU) and City Administrative Instructions.

5. Worksite and Equipment.

If telecommuting, an employee must designate a work area suitable for performing City business. Telecommuting employees must work in an environment that allows them to perform their duties safely, efficiently, and confidentially. The City is not responsible for damage to an employee's personal equipment or property while the employee is telecommuting.

A telecommuting employee must protect City equipment (if provided), software, and supplies from possible theft, damage, and loss. The telecommuting employee may be responsible for the replacement or repair of City equipment, software, or supplies as allowed by law. Employees who use their personal equipment for telecommuting are responsible for the installation, repair, and maintenance of the equipment.

6. Security of Confidential Information.

All files, papers, records, documents, or other materials created while telecommuting are City property. Telecommuting employees and their supervisors shall ensure safeguards in place to protect confidential information. Employees may not disclose confidential or private files, records, materials, or information while telecommuting and may not allow access to City networks or databases to anyone who is not authorized.

Please remember that the California Public Records Act 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. If the City receives a Public Records Act request (subject to certain exceptions), a telecommuting employee must permit inspection and examination of any public record or public information in the employee's possession. This is required regardless of where the public record is located.

Links:

[AI 71](#)

[AI 257](#)

[Public Records Act](#)

[Documentation Retention Policy](#)