

City of Brockton

TELEWORK POLICY

September 2020

I. INTRODUCTION

As a result of the COVID-19 public health crisis, it is the policy of the City of Brockton to encourage, in appropriate circumstances, the creation of telework opportunities for employees. It is the City's goal to promote telework that does not diminish employee performance or City operations, or adversely affect the ability of the individual Departments to achieve their missions. Employees do not have a presumptive right to telework. An employee's participation in the telework program must only be approved when it is deemed to be in the best interest of the City.

This Policy is subject to change and may be amended, at any time without prior notice, with the introduction of additional governmental guidelines or local factors.

This Remote Work Policy applies to all City Employees who are not a Department Head or work in a Department Head capacity[1]. To the extent that the provisions of this Policy conflict with policies previously issued, this Policy shall control.

Employees who have been previously permitted to work remotely, are not guaranteed such approval under this policy.

II. DEFINITIONS

Telework (also known as telecommuting): An alternative workplace arrangement which provides employees the opportunity to work at a place other than their regularly assigned work location.

- Telework will not include work performed by employees whose duties require spending a portion of the workday "in the field" or away from a physical building/office, often traveling to and from various indefinite locations, in order to best serve the needs of the City and its constituents.

Teleworker: Employees who are approved to perform their job function from an alternative workplace during the COVID-19 response. Teleworkers can be directed to telework intermittently depending on operational need.

Operational Need: The City must have necessary staff present in order to operate during business hours so that there is no disruption in the workplace or productivity. The City must also

ensure that there is staff to meet the responsibilities of the workplace. (Employees must report to the work site or any other designated location for any required trainings or meetings.)

Alternative workplace: An employee's residence, or an alternative location that is **approved in writing** by the employee's Department Head. An alternative work location shall not include international locations.

Telework Agreement: The written agreement between the employer and the employee that details the terms and conditions of an employee's work away from their regular work location. A telework agreement is required prior to a request for telework to be approved. The Agreement will be provided to employees in order to request teleworking arrangements.

Flexible Work Hours: Flex time shall include the following adjustments to employees' schedules: (1) starting work early, (2) reducing a lunch schedule, or (3) working late. The number of weekly hours scheduled for employees (35 hours per week) shall be maintained. The temporary change, or shifting, of hours by the Department Head, at the request of an employee is intended to satisfy the needs of the employee, including limiting interactions among employees and managing family, without adversely affecting the effectiveness or needs of the Department.

Work Schedule: The employee's hours of work in their regular or alternate work locations.

III. GENERAL PROVISIONS

Employees, regardless of their telework arrangement, must have an approved Telework Agreement in place in order to participate in telework. Once the telework agreement is finalized, employees will be considered telework-ready.

An employee approved to telework must physically report to his or her official duty station **at least two (2) full work days per week**, except for rare short-term circumstances or as a reasonable accommodation. There are very few jobs where it would be practical to telecommute five (5) days per week.

Telework Eligibility: To the extent that the operations of a City Department are not jeopardized, eligible employees who exhibit suitable work performance and conduct may be permitted to telework. Telework eligibility criteria will be applied impartially and consistently and be based on appropriate operational and business needs. While temporary telework is a permissible accommodation for certain positions, employees are not entitled to telework and not all positions will be eligible to telework.

The decision to approve an individual telework arrangement will be made in conjunction with Human Resources, the employee's Department Head and the Mayor. This group will be collectively referred to as the "Team" throughout this Policy.

Telework does not change the nature of the work an employee is expected to perform or the hours in which an employee is expected to be working. In terms of supervision, clear expectations and measurable tasks are essential components in considering whether telework is an option. Management will supervise telework employees by developing a system of distributing work appropriate for telecommuting and designating tasks with measurable outputs that can ensure appropriate levels of employee accountability. In the event an operational need arises, an employee may be required to report to their work location.

If an employee's productivity decreases or other performance/conduct issues arise, the Department Head should treat the telework employee no differently than an employee working in the regularly assigned office location.

Employees who participate in a telework arrangement are considered to be in an official duty status during the employee's designated work schedule. Employees must ensure they have the appropriate work environment for telework, including but not limited to, connectivity, technology, resource access, and security authority to conduct their job duties while remote. A telework agreement may be discontinued at any time if the continuation would not be productive, efficient, or otherwise in the best interest of the City.

IV. PROCEDURES OR INSTRUCTIONS

DETERMINE POSITIONS SUITABLE FOR TELEWORK

Departments are encouraged to consider possible job classifications which would be suitable for telework and would lead to efficiencies and effectiveness in daily operations. Not all job classifications may be appropriate for telework.

Factors to consider:

- Nature of the work performed by positions considered for telework;
- Efficiency of work processes;
- Impact on ability to provide quality customer service;
- Utilization of office space;
- Utilization of technology and environmental impact;
- Effectiveness of existing project teams; and
- Impact on City expense.

DETERMINE EMPLOYEE ELIGIBILITY

When considering individual employees to participate in a Telework Program, the Team will consider individual employee factors as to who would be a successful teleworker. Factors include, but are not limited to:

- The employee's recent performance history, up to twenty four (24) months from the date of the request;
- The operational needs and ability to avoid disruption and maintain productivity;
- Employees who are in their probationary period may not participate in telework;
- An employee must perform tasks and activities that management deems are suitable for telework. Progress on tasks and activities must be identifiable and measurable;
- Eligible employees must not require close supervision or on the job training and must be an employee that can work effectively in an isolated setting;
- Eligible employees must be organized, highly disciplined, conscientious, motivated self-starters who require minimal supervision and consistently meet or exceed deadlines.

V. PROGRAM REQUIREMENTS

The Team shall make decisions consistent with this policy and its operational needs.

- Telework is not intended to be used in place of vacation, sick, family and medical, or other types of leave. Requests for time must be approved in advance in accordance with standard operating procedures within the Department and/or the collective bargaining agreement between the City and respective Union.
- Teleworkers will not be excused from working because workers at their regular work location are dismissed due to an emergency. For example, if a snow emergency is declared on the day an employee is scheduled to telework, the employee is not excused from work and must work as scheduled at home on the approved telework day.
- Employees who have the capability to telework and who are scheduled to go to their regular work location but are unable due to a state of emergency or office closure will be expected to telework to the extent possible.
- Employees must be readily accessible by telephone during their regular work hours. Employees must provide their manager/supervisor with a current home number and/or cell phone number whichever will be routinely available for incoming calls during the workday.
- Teleworkers are expected to work their workweek, as scheduled. An employee's regular work hours are unaffected by telework. To the extent not inconsistent with the Telework Policy, participants are subject to all attendance policies and practices including but not limited to any approved alternative work option.

- Telework hours in excess of their regular work schedule are at the manager's discretion and must be authorized in advance.
- Employees shall enter into a telework agreement with the City.
- An employee must demonstrate an ability to successfully connect to the City's network or otherwise access work emails or databases.
- Employees will comply with all required security measures and disclosure provisions, including password protection.
- Employees will protect all government records and data against unauthorized disclosure, access, destruction, etc. Files and other information that are subject to confidentiality regulations must be secured from unauthorized access while at the telework worksite.
- Employees will follow all City policies and procedures, including any applicable CBA.
- The City will not be liable for any damages to the employee's property that results from participation in the Telework Program. The City will not be responsible for operating costs, home maintenance, or any incidental cost (e.g. utilities) associated with the employee's use of their residence for telework.
- While teleworking, employees are required to maintain a safe working environment. Failure to maintain safe working conditions will result in termination of telework privileges.
- Teleworkers will not be reimbursed for travel between their home and regular office location nor will such commute time be considered hours worked.
- Managers of telework employees shall supervise the work product produced by employees on telework days to ensure appropriate levels of employee accountability.
- Employees are accountable for verification of telework dates and tasks.
- The City and/or employee may cancel a telework arrangement at any time.

VI. ROLES AND RESPONSIBILITIES:

Human Resources

- Serve as the primary point of contact for employees who have questions/concerns about telework arrangements.
- Assist with development/implementation of this Telework Program.
- Serve as an advisor for City leadership regarding telework.
- Serve as a resource for supervisors with telework issues or concerns.
- Assist with compilation of metrics to ascertain effectiveness of telework arrangements

Department Head/Supervisor:

- Clearly define and set forth the telework employee's responsibilities.

- Ensure that customer service is not adversely affected by the telework and operational needs are met.
- Establish and communicate appropriate measures to protect confidential information.
- Maintain effective communication with telework employees.
- Ensure there is not a hardship or burden placed on other employees (additional work, etc.).
- Maintain responsibility and accountability for treating all telework and non-telework employees similarly in acts involving managerial discretion, including but not limited to: distribution of assignments among employees in the work unit, use of appropriate tracking and communication tools, performance management, both informal and formal feedback, performance coaching, learning and development, reassignment, promotions, retention, and discipline.
- Provide advance notice, if practicable, to telework employees regarding requests to report to the regularly assigned office location (notice is not required and does not absolve an employee's responsibility to be physically present upon request).
- Complete any required telework related training for managers or supervisors.

Employees:

- Maintain established performance standards.
- Required telework training must be completed as directed.
- Ensure that the alternative worksite is appropriate and provides the work environment, connectivity, technology, resource access, and security authority consistent with the work in which the employee is engaged.
- Employees who are unable to work due to personal commitments or technological disruptions, must notify their manager or supervisor and may need to use accrued time off.
- Must notify manager/supervisor when they experience technical difficulties.
- Maintain flexibility and responsiveness to the needs of the manager or supervisor, work team, and City (communication and collaboration).
- Pursuant to City need, report to the regularly assigned office location for all or part of the workday during which they would otherwise be engaged in a telework arrangement.
- Document telework work time.
- Comply with City rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's work schedule.
- Maintain effective communication with managers or supervisors and other employees with whom communication is essential for successfully implementing the arrangement.
- Properly maintain and protect confidential information and follow data security procedures at all times.

- Employees must check in with their supervisor/department head by phone or email at the beginning and ending of each remote work day and shall notify management when leaving the remote worksite during regular working hours.
- Execute the temporary telework agreement.

VII. TELEWORK AGREEMENT

Employees, regardless of their telework arrangement, must have an approved telework agreement in place in order to participate in telework. Once the telework agreement is finalized, employees will be considered telework-ready.

Establishing a Telework Agreement. If it is determined that telework is a viable option and in the best interest of the City, the department head and the employee must complete and execute a telework agreement before initiating a telework arrangement. The telework agreement documents the terms and conditions of the telework arrangement, including the type of telework arrangement approved and the particular days for which the employee is approved to telework. Upon completion, the agreement will then be routed to the Human Resources Director for review and final approval, in consultation with the Department Head and the Mayor's office.

Telework Denial and Termination of Agreement. Telework requests may be denied and agreements terminated at any time by the Team. In addition, a telework agreement may be terminated at the employee's request.

Termination of Telework Arrangement by Employee. Employees may voluntarily terminate their telework arrangement. Such requests must be submitted in writing to the employee's department head who must then forward a copy of said request to the Human Resources Director.

Telework Schedule Modification. Supervisors may require teleworkers to report to the employee's official worksite on scheduled telework days to accommodate workload demands or for other operational requirements. Requests by the employee to change his or her scheduled telework day in a particular week must be submitted in advance and approved by the department head. A permanent change in the telework arrangement requires a new telework agreement to be executed.

VIII. LEAVE AGREEMENTS (NON-TELEWORK)

Employees who are **unable to report to work or to telework** for COVID-19-related reasons will be required to use their accumulated sick time, vacation time, personal time, or other paid

time off in accordance with their respective collective bargaining agreement and/or City policy, unless such employees qualify for paid time off under the FFCRA.

An employee may request sick leave, or other paid or unpaid time off in the event of the following:

- An employee tests positive or is diagnosed with COVID-19.
- An employee comes in close contact with someone infected by COVID-19 (close contact is defined as being less than 6 feet from the infected individual for a period of fifteen (15) minutes or more).
- An employee comes into close contact with someone who has been, or may have been, exposed to COVID-19 (close contact is defined as being less than six (6) feet from the infected individual for a period of fifteen (15) minutes or more).
- An employee is required to stay at home with a child or children due to school or daycare facility closures.
- An employee is required to provide care to a family member infected by COVID-19.

Certain leave may qualify for leave pursuant to the Families First Coronavirus Response Act (FFCRA). For more information on this benefit, please visit the City's Human Resources website at: <https://brockton.ma.us/city-departments/human-resources/> and/or contact the Human Resources Director at sknight@cobma.us or (508) 580-7820.

Employees seeking sick paid leave under the FFCRA or paid leave under the expanded FMLA benefit must notify the Human Resources Director beforehand to the extent practicable and provide supporting documentation of the need for leave within a reasonable time period (employee must supply this documentation prior to exhausting FFCRA benefits). The FFCRA application and accompanying information and instructions can be found here: [Apply for FFCRA](#). Any additional questions regarding an employee's eligibility for FFCRA should be directed to the Human Resources Director.

Reasonable Accommodations

To the extent that employees require an accommodation pursuant to the Americans with Disabilities Act or related to COVID-19, they may do so by filing a request with the Human Resources Director. Upon such request, the Human Resources Director will engage with said employees in an interactive process to determine whether they are able to perform the essential functions of their position while working remotely, or other accommodation requests.

An interactive process will determine whether the proposed accommodation is reasonable, allows the employee to perform the essential duties of his/her position, and does not create an undue hardship on the department.

[1] If a need arises for a Department Head or those acting as a department head to telework, as defined herein, the request must be made directly to the Mayor. The Mayor will review the request and make a determination that will not diminish employee performance or City operations, or adversely affect the ability of the individual Departments to achieve their missions.