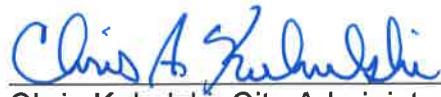


ADMINISTRATIVE ORDER NO. 144

Pursuant to the authority granted to the City Administrator in Section 2-300, BMCC, the following policy is hereby established as the City of Billings Telework Policy and becomes effective June 1, 2020.



Chris Kukulski, City Administrator

Telework Policy

Purpose

Teleworking, or telecommuting, is the concept of working from home or another location on a full or part-time basis. Teleworking is not a formal, universal employee benefit. Rather, it is an alternative method of meeting the needs of the City. The City has the right to refuse teleworking for an employee, and to terminate a teleworking arrangement at any time. Employees are not required to telework. Employees have the right to refuse to telework if the option is made available.

The City will permit some employees in specific positions to telework as long as it does not adversely affect the employee's productivity or the efficient operation of the organization. Some positions, by their very nature, do not lend themselves to telework. For example, positions that require constant or regular supervision of other employees usually cannot be performed off-site, as it is an integral part of the position that the supervisor be available to answer questions and coach employees in their growth and development. The City will determine whether a specific job may be performed effectively off-site and whether an individual is effective working without supervision at home.

Procedure

The Department Director will make a determination whether teleworking is appropriate and viable for the employees within the department. When considering telework, the supervisor and employee are responsible for ensuring that the following conditions are met:

1. Telework does not adversely affect the organization, departmental assignments/projects, customer relations, or other work units;
2. There is adequate and suitable work available for the employee to perform at home without direct supervision;
3. The position is appropriate for a telework arrangement; and
4. The employee has maintained a good work record prior to making his/her request to telework. (For example, no excessive or unexcused absences and no corrective action within the last six months of employment.)

Employees interested in telework should discuss with their supervisor whether telework is an option in their current position. If the supervisor agrees, the employee and supervisor should meet with the Human Resources Director in order to draft an agreement that permits the employee to telework. The agreement will need to be signed by the employee, the employee's supervisor, the employee's Department Director, and Human Resources Director. The agreement shall include:

1. The hours and days the employee must be present in the workplace to be available for one-on-one consultation with other employees. Regardless of the hours agreed upon, the employee is responsible for attending all scheduled meetings whether or not those meetings take place on his/her scheduled days in the office, or via virtual meeting, if appropriate;
2. Acknowledgment that the employee has a suitable home office environment equipped with computer, telephone, and other support systems;
3. The performance criteria that will be used to determine whether the telework arrangement is effective;
4. Develop the reporting requirements for the telework employee; for instance, the employee must respond to telephone, voicemail and email messages in a timely manner;
5. Acknowledge that the telework arrangement may be revised or discontinued at any time; and
6. In order to be eligible for telework, the employee must have been employed full-time by the City for at least 6 months.

The City offers the following guidance and expectations for Teleworking employees:

- The employee is expected to keep regular working hours and to be available via email, telephone, and text. The employee is not allowed to “flex” their regular work schedule, unless approved by their supervisor. In addition, phone communication via a cell phone or landline must be established.
- Work voicemail and email is to be checked routinely.
- Create a dedicated workspace, if at all possible.
- Be available to physically attend scheduled work meetings as requested or required by the Department; unless a virtual meeting is appropriate;
- Request supervisor approval in advance of working any overtime hours (if a non-exempt employee);
- Take rest and meal breaks while working remotely in full compliance with all applicable policies or bargaining agreements;
- Request supervisor approval to use vacation, sick, or other leave in the same manner as when working at employee’s regular work location.

The employee’s duties, obligations, responsibilities and conditions of employment with the City remain unchanged. Job responsibilities, standard of performance, and performance appraisals remain the same.

The supervisor reserves the right to assign work as necessary at any worksite.

The Telework arrangement is documented via an executed City of Billings Telework

Agreement.

The Telework arrangement will be evaluated on an ongoing basis to ensure that the employee's work quality, efficiency and productivity are not compromised by the telework arrangement.

The employee acknowledges that if the department director deems that the telework arrangement is not working effectively, or as envisioned, the City may at any time adjust or end the work from home/remote work assignment; a minimum notice of 24 hours will be provided to the employee.



Employee Information

Name: _____ Hire Date: _____

Job Title: _____ Department: _____

FLSA status: Exempt Nonexempt

Alternate Work Site:

Location (specify location if in home): _____

Address: _____

Central Work Site:

Will the teleworker maintain a workstation or office at the central workplace when this telework agreement takes effect? Yes No

If not, what changes will occur?

Schedule:

The employee and City agree to the following telework schedule:

Fixed: Telework days and hours are scheduled and will not be substituted without advance approval of the supervisor.

Telework Days: Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Telework Time: Start: _____ Finish: _____ Total Hours per Day: _____

Lunch: _____ to _____

Flexible Schedule: Telework days may fluctuate weekly and will be mutually agreed upon by the supervisor and the employee.

Telework days permitted each week: _____

Hours of work permitted each week: _____

The employee agrees to the following conditions:

- The employee will remain accessible and productive during scheduled work hours, and is not allowed to "flex", or modify their schedule unless approved by their supervisor.
- Nonexempt employees will record all hours worked and meal periods taken in accordance with regular timekeeping practices.
- Nonexempt employees will obtain supervisor approval prior to working unscheduled overtime hours.
- The employee will report to the employer's work location as necessary upon directive from his or her supervisor.
- Any modifications of the employee's alternate worksite must be approved by your immediate supervisor.
- The employee must keep their supervisor informed of progress on assignments worked on at home, including any problems they may experience while teleworking. The employee will promptly notify the supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances.
- The employee will communicate regularly with his/her supervisor and co-workers, which includes, when requested, a weekly written report of activities.
- The employee will comply with all City of Billings' rules, policies, practices and instructions that would apply if the employee were working at the employer's work location.
- The employee will maintain satisfactory performance standards.
- The employee will make arrangements for regular dependent care and understands that teleworking is not a substitute for dependent care.
- The employee will have a suitable home office environment equipped with computer, telephone, and other support systems.
- The employee must adhere to City IT Security Policies and the MT Department of Justice security requirements. All remote access / Work from Home computers must be owned by the City.
- The employee will maintain a safe and secure work environment at all times.
- The employee will allow the employer to have access to the alternate work location for purposes of assessing safety and security, upon reasonable notice by the City.
- Regardless of the hours agreed upon, the employee is responsible for physically or virtually (if appropriate) attending all scheduled meetings whether or not those meetings take place on his/her scheduled days in the office.
- The City will be liable for job-related accidents that occur in the employee's offsite workspace during the employee's established working hours. The employee will assume all liability for injuries occurring in the employee's off-site workspace outside the agreed-upon work hours. The employee will also assume all liability for injury to others in the employee's home or other offsite location during working hours.

- In the case of an injury while working remotely, the employee will as soon as practicable report the injury to their supervisor and obtain appropriate medical treatment. The supervisor, or designee, will investigate all accident and injury reports immediately following notification.

The City of Billings will provide the following equipment:

The employee agrees that the City of Billings' equipment will not be used by anyone other than the employee and only for business-related work. The employee will not make any changes to security or administrative settings on the City of Billings' equipment. The employee understands that all tools and resources provided by the City shall remain the property of the City at all times.

The employee agrees to protect City tools and resources from theft or damage and to report theft or damage to his or her supervisor immediately.

The employee agrees to comply with City of Billings' policies and expectations regarding information security. The employee is expected to ensure the protection of proprietary City and customer information accessible from their remote work locations.

The City will not pay for the following expenses:

- Utility costs associated with the use of the computer or occupation of the alternate worksite.
- Homeowners' or Renter's Liability Insurance to cover the use of space for the alternate worksite.
- The cost of construction or renovations to the home, if needed, for the alternate worksite.
- Travel expenses associated with regular home to work travel.

The City of Billings will reimburse employee for the following expenses:

All expenses are to be accompanied by receipts in accordance with the City's expense reimbursement policy.

Terms of the Agreement:

This telework agreement will include a trial period of 90 days. During the trial period, documented review of performance will be done every 45 days (outside of the performance evaluation system). At the completion of the trial period, the supervisor and Human Resources will evaluate whether the arrangement remains beneficial to both employer and employee and decide if the arrangement will continue.

Additionally, this agreement will be reviewed and revised when a change occurs with supervision, job responsibilities, change in work circumstances, or performance. The employee understands the City may revise this agreement for any reason at any time.

Date telework begins: _____

Date(s) telework agreement reviewed: _____

The employee understands that all terms and conditions of employment with the City of Billings remain unchanged, except those specifically addressed in this agreement.

The employee agrees to return City-issued equipment and documents within five days of termination of the Telework Agreement or upon termination of employment.

Employee Signature: _____ Date: _____

Supervisor/Manager Signature: _____ Date: _____

Department Director Signature: _____ Date: _____

Human Resources Director Signature: _____ Date: _____