



ADMINISTRATIVE REGULATION

Effective Date: March 19, 2020

Administrative Regulation: 1-37

Revision Date: May 8, 2023

Supersedes: May 24, 2021

Approved By: William H. Ashton II

SUBJECT: **Telework Policy**

I. Purpose

The Town of Herndon supports teleworking as an alternative work arrangement when appropriate, based on job responsibilities and the employee. Teleworking is an arrangement between an employee and the town which allows an employee to work at a remote location on a pre-determined basis for a portion of the workday or of the workweek. No employee shall be approved to telework in perpetuity.

II. Definitions

Teleworking may be designed to address a specific circumstance or be on a regularly scheduled basis. While many work situations may lend themselves to teleworking, the town maintains the authority to determine when, and if, teleworking is appropriate and suitable for a position and an employee. Teleworking is a mutually agreed upon arrangement – not a benefit or entitlement. It is an effective work option when technology permits work to be performed at a remote location without loss in quality, service, health, and safety, and overall standards of performance. Teleworking does not change the conditions of employment or required compliance with town policies.

Types of telework scenarios:

- Routine Telework – on-going, regular telework schedule with a pre-determined and pre-approved number of days each pay period.
- Situational Telework – certain occasion or temporary occurrence where telework hours were not part of a previously approved schedule; for example, but not limited to: special work assignment, etc.
- Emergency Telework – certain occasion or temporary occurrence where telework hours were not part of a previously approved schedule; for example, but not limited to: inclement weather, emergency road conditions affecting commute to office, emergency school closing, emergency affecting dependent care status, etc.



ADMINISTRATIVE REGULATION

III. Policy

Criteria for Participating

- A. Teleworking arrangements may be requested by the employee or offered by the supervisor or department head. However, there are many factors which must be considered in determining whether teleworking is suitable for the work to be performed and the employee. Selection is based upon review of the work and the employee as suitable for teleworking. Teleworking is not an employee entitlement.

Teleworking arrangements may be discontinued or temporarily suspended at any time at the discretion of the employee's supervisor or department head. The employee may also request termination of the agreement.

- B. Identifying suitable positions and tasks: The nature of the tasks, in terms of work performed and services provided, is the initial consideration in determining whether teleworking is a possibility for a particular position.

Supervisors of regular full-time positions that have been designated as non-remote positions shall not be permitted to routinely telework.

The following factors related to the nature and function of the position must be considered:

- (1) Some or all of the work activities are portable and can be performed effectively while working away from the standard town work site. The defined tasks do not require access to equipment or to materials that cannot be moved from the standard work site and do not require the presence of supervision.
 - (2) The employee's participation in the teleworking program will not adversely affect the department's ability to meet and/or exceed customers' needs.
 - (3) The position does not require daily unscheduled face-to-face contact with other employees or the public at the standard town worksite.
 - (4) The position includes activities that will benefit from quiet or uninterrupted time.
 - (5) The technology needed to perform the tasks is available.
- C. Determining employee's eligibility: To be successful as a teleworker, employees need to possess several characteristics which indicate they can work well with this



ADMINISTRATIVE REGULATION

type of arrangement. Employees who are considered good candidates for a teleworking agreement should exhibit the following characteristics:

- Self-motivated and flexible
- Experienced; knowledgeable about the job
- Independent
- Dependable
- Possess satisfactory performance records
- Organized
- Good communication skills

Generally, positions with the following characteristics may be appropriate for telecommuting:

- Require independent work
- Require infrequent face-to-face interaction
- Require concentration
- Result in specific, quantifiable work products

Teleworking arrangements will be considered on a case-by-case basis and require prior approval as outlined in Section VI “Application and Approval Process”.

IV. Requirements for Teleworking

The total number of authorized hours that an employee works in a workweek is not affected by teleworking, i.e. the employee will work the same total number of hours in a week that would be worked at his/her standard town worksite. Town policy and Federal Fair Labor Standard Act (FLSA) law regarding overtime is also not affected by teleworking for employees. Hours of work beyond the authorized workweek require prior supervisory approval and will be compensated in accordance with FLSA law and town policy. Employees may be approved both for teleworking and to work a flexible schedule by their supervisor. Teleworking scenarios should be reviewed regularly, to ensure all criteria is being met and the working arrangement is still appropriate for the town.

- A. Work Hours: A schedule of work hours must be negotiated in advance between the employee and the supervisor and must be put in writing. Unless otherwise agreed upon, the employee is to be accessible by phone and/or email to his/her supervisor, other staff as needed and internal and external customers during work hours. Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events. Teleworkers are required to record the hours they work on a daily basis to ensure that they are paid properly; also to verify the actual hours worked against their scheduled and approved hours. Employees who telework without prior supervisor approval may be subject to disciplinary action.



ADMINISTRATIVE REGULATION

- B. Town Closure and Unscheduled Leave: When the town is closed due to severe weather, holiday or any other reason, the employee should not work (unless specifically authorized by the Department head), as no additional compensation will be provided to employees who voluntarily work during a period of declared administrative leave, as stated in AR 1-25. Unscheduled leave status may or may not apply, depending on the status of the position. Work scheduled on unscheduled leave days should be discussed and decided upon in advance.
- C. Technical factors and outages: The town does not supply equipment for teleworking, nor does it pay for service costs, such as internet. All aspects of AR 1-38, Electronic Communication Services and Social Media must be followed.

In the event of a service outage of telephone or internet services or any other technology outage at the teleworking site or standard town work site that prevents the employee from teleworking, the employee should contact his/her supervisor to discuss whether to report to the standard town work site, work on assignments that are not impacted by loss of service or take leave. In these circumstances, supervisors may approve the employees' use of their own accumulated annual or compensatory time in accordance with AR 1-25, Leave. Sick leave may only be used in accordance with AR 1-25, Leave.

- D. Liability: Compensability for employee injuries or occupational diseases will be determined by Workers' Compensation as in any other off-site incident. In the event of a job-related accident at the remote location, the teleworker must immediately report the incident to his/her supervisor. The town is not liable for any third-party (family etc.) injuries which may occur at a remote work location. Employees are liable and financially responsible for such occurrences and may want to consider alternate insurance coverage. No work-related visitors shall visit the remote working site unless pre-approved by the employee's supervisor.
- E. Confidentiality: The employee must maintain appropriate confidentiality of all work related information, including written documents, electronic files and verbal transactions. The employee is responsible for maintaining security of written information as well as automated data. Any verbal transactions, including phone conversations will be conducted in a private area. The employee is responsible for ensuring that third-parties do not have access to any confidential, client-related information.
- F. Communication: The supervisor and employee should establish a plan which details the required frequency and types of communication. This should include expectations related to: work schedules and locations, voicemail messages, attendance at meetings and telephone contact with the standard town worksite.
- G. Dependent Care and Family Medical Leave (FML): Teleworking is not a substitute for childcare or other dependent care responsibilities. Appropriate childcare must be



ADMINISTRATIVE REGULATION

utilized during scheduled work hours, to ensure the child or dependent does not disrupt the work environment. If a child or dependent is home ill, with supervisor approval, the employee may provide limited care for that child or dependent while teleworking or use leave pursuant to the provisions set forth in AR 1-25, Leave and subject to the approval of the employee's supervisor.

While on FML or disability, an employee may not telework without requesting prior permission from Human Resources.

- H. Job Performance: The employee and supervisor should discuss how job performance will be monitored. Supervisors are expected to monitor job performance and the related degree of success of the teleworking arrangement.
- I. Reliable Customer Service: The employee is expected to provide the same high level of prompt, courteous and dependable service to both internal and external customers while teleworking. Phone calls must be made and returned in a timely manner. Emails and other correspondence must also be returned in a timely manner. Days spent and work accomplished from a remote working location should appear seamless to the public. The teleworker is to attend all work-related meetings. Meetings may be scheduled with short notice to the teleworker.
- J. Expenses: Any expenses related to town work should be supported by hard-copy documents. Work-related, long distance phone calls should be relegated for in-town office days. The cost of maintenance, repair and operation of personal equipment (i.e. phone, computer, fax, etc.) are at the expense of the teleworker. If the teleworker is utilizing town equipment, pre-approval must be granted for any repairs or replacement. Expenses for supplies purchased that are regularly available at town offices, will not be reimbursed. If a special item is required, pre-approval must be granted for reimbursement.

V. **Revocation of Telework Privileges**

Teleworking privileges may be revoked at any time if the employee violates or abuses town regulations and policy. Violations/abuses may include, but are not limited to:

- Unsatisfactory work performance or areas in need of improvement.
- Excessive breaks or deterrents that exceed the authorized time period without prior approval.
- Failure to adhere to accurate time reporting.
- Frequent instances of unexcused tardiness or absences.
- Participation in non-work activities during regular work hours.

Overtime will not be approved at any time while an employee is teleworking because their day was interrupted by a non-work situation. Working during hours or days not pre-



ADMINISTRATIVE REGULATION

approved by the supervisor/department head will also not be approved. A department head or town manager may revoke a teleworking arrangement at any time.

VI. Application and Approval Process

Consideration for teleworking occurs when the employee, supervisor or department head initiates via the accompanying request form to this policy, the desire to work remotely. The employee, supervisor and department head must all agree on the form, the agreement for an employee to telework and the proposed schedule. The Director of Information Technology should be consulted from a technical feasibility standpoint, and screening of security measures to protect the town's network and assets. Routine telework as described in Section II. Definitions requires the approval of the Director of Human Resources.

In the case of a declared emergency, department heads may allow employees to telework without written documentation, for the duration of the emergency.

A handwritten signature in black ink, appearing to read "W. H. Ashton II", is written above a horizontal line.

William H. Ashton II
Town Manager