

CITY OF MISSOULA TELECOMMUTING POLICY

Telecommuting or Telework is the practice of working from home or another work site instead of physically traveling to the office. It is a work alternative the City offers to employees when it is beneficial to both the City and the employee. Telecommuting is not a universal employee benefit; rather it is an alternative method of meeting the needs of the City and the employee. The City favors the use of telecommuting as an effective way to achieve a variety of City objectives, both strategic and operational. Supervisors are expected to learn how to effectively manage a remote workforce if there are adequate processes and tools to support telecommuting employees.

City Required Telework

In some cases, the City may require an employee to telework. The abbreviated telework policy agreement will need to be completed for City required arrangements (see the Forms section of the HR Department's website).

City required telework is subject to all sections of this policy with the exception of section B. Eligibility.

Emergency Telework

In some cases, telework may be required to manage through a significant disruption or emergency. Emergency telework is not governed directly by this policy; however, there are several elements of this policy that are important to maintaining a telework ready workforce that is capable of responding to emergency situations.

Voluntary Telework

All requests for voluntary telework must comply with this policy and require a formal agreement to be on file with HR prior to the work officially beginning. Telework agreements should be reviewed annually and updated and re-signed if there are material changes. The City may deny telecommuting requests from employees and may terminate a telecommuting arrangement at any time.

Regular telecommuting may not be approved without the proper supervisor assessment and an approved written agreement. Such agreements will be placed into the employee's personnel file.

This policy is not intended to regulate infrequent, ad hoc telework that occurs in the normal course of business (e.g., during work-related travel, etc.)

A. BENEFITS

Telecommuting provides many benefits to the City, both directly and by improving the experience of City employees. Telecommuting can reduce absenteeism, improve employee recruitment and retention, improve productivity, reduce the economic and environmental costs of commuting to and from the workplace, and provide employees with greater flexibility in meeting their job and family needs. However, telecommuting is not a replacement for childcare or other personal demands on an employee's time.

B. ELIGIBILITY

Not all positions and employees are appropriate for telecommuting. Employees wishing to telecommute must discuss their request with their direct supervisor, who will be responsible for making a determination regarding the suitability of telework to the employee's job duties. Employees are required to have Montana as their primary place of residence. Normally, eligible employees must have

successfully completed their probationary periods and should be free of performance or behavioral issues for which corrective action necessitates the employee to be present in the office.

To assess whether telecommuting is suitable, the supervisor and employee will address the following issues:

Position:

- Does the position have clearly defined duties that may be performed physically independent of others?
- Is it possible for results and productivity to be reasonably measured by quantitative or qualitative results-oriented standards?
- Will work be completed by a telecommuting employee without placing an additional burden on co-workers and others?
- Will the proposed plan for telecommuting allow for all essential functions of the position to be completed? Revision of Job Descriptions for the sole purpose of approving a position for telecommuting will not be approved. All employees must perform the essential functions of their position, with or without a reasonable accommodation-this includes requests for telecommuting.
- Does the available technology support telecommuting? In most cases, this will turn on whether the employee can accomplish their work responsibilities with City provided technology assets.
- Are necessary records available electronically and business processes manageable remotely?
- What is the nature of interaction with co-workers and the public? Can they be effectively carried out remotely?
- Telecommuting may not adversely affect the quality or level of service of City operations.

Employee:

- Is the employee able to routinely meet deadlines?
- Does employee accomplish work with minimal supervision?
- Does employee communicate effectively with co-workers, supervisor, and others?
- Does employee manage time effectively?
- Does the employee have reliable internet and phone service that allows for seamless service of duties?
- Does the employee have a workspace that allows for safe working conditions including the security of any city property?

Supervisor:

- Is the supervisor capable of managing a remote workforce effectively? This will be determined by the available business tools and processes and not an individual supervisor's preference or willingness to permit telecommuting.

Using the above criteria, the employee's supervisor and Department Head will decide whether to allow an employee to telecommute. Decisions to deny telecommuting are not grievable. Suitability of employees to participate in telecommuting will vary among departments and work units, depending on the function and responsibilities of the work unit and employee. Nonetheless, this policy will be implemented equitably, so that decisions about telecommuting are made based on clear and consistent criteria rather than historical practice or a manager's preference.

C. WORK SCHEDULE/HOURS

A regular telecommuting schedule, including specific days and core hours, will be established in writing and approved by the supervisor. The amount of time the employee is expected to work per day or week will not change due to telecommuting.

The employee will work at home, or at an alternate work site mutually agreed to by the employee and supervisor, during the hours agreed upon by the employee and supervisor. Changes to this schedule will be reviewed and approved in advance by the employee's supervisor.

The supervisor may, at their discretion, require a telecommuting employee to return to the regular place of work on a regularly scheduled telecommuting day. A supervisor will attempt to give advance notice when possible and normally, will not request such changes in scheduling within the same workday.

Travel time to and from the regular workplace that occurs after an employee's scheduled workday has commenced and before it ends, with the exception of travel during an unpaid lunch period, will be considered compensable time in accordance with state and federal wage and hour regulations governing non-exempt employees. As a general matter, telecommuting schedules should be designed to minimize the cost of paid commute time by using full- or half-day periods. Employees may not deviate from their approved telework schedule to travel to or from their office to their telework location without receiving authorization from their supervisor. [Per Administrative Rule 11](#) all employees traveling in a personal vehicle during paid work time must ensure they have a valid Driver's License and adequate liability insurance on the vehicle. Failure to have proper liability coverage for a vehicle used during paid time may result in disciplinary action.

All wage and hour regulations, provisions of collective bargaining agreements, and City Human Resource policies apply to telecommuting employees.

Telecommuting employees are required to maintain accurate timekeeping records in accordance with procedures established by the City.

D. WORK STANDARDS/JOB PERFORMANCE

The conditions of employment and the job performance standards for telecommuters remain the same as for non-telecommuting employees.

The employee will meet with their supervisor to receive assignments, review completed work and attend meetings, as requested by the supervisor. The employee will complete assigned duties, according to standard work procedures and expectations.

An appropriate level of communication between the employee and the supervisor will be agreed to as part of the discussion process.

The supervisor is required to establish telecommuting reporting metrics to ensure job performance and productivity is comparable or improved relative to the traditional operating environment.

E. EMPLOYEE ACCESS AND AVAILABILITY

Telecommuting employees must be available and responsive through standard modalities and core internal business and communication systems, and by telephone during scheduled work hours. Telecommuters must notify the supervisor if they leave their telecommuting location during work hours.

F. WORK SPACE

Telecommuting employees must agree that the employee's off-site workspace will be considered an extension of the City's workspace. The workspace must provide adequate work area, light, telephone and internet service, power, and temperature control. The employee must maintain the workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The remote work site must be maintained in an ergonomically acceptable manner. The City may make on-site visits, with reasonable notice, to the remote work location for the purpose of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve City-owned equipment, software, data, or supplies.

G. EQUIPMENT/EXPENSES

Equipment needed to participate in telecommuting may vary by employee and duties. City IT will provide standard-issue technology equipment to enable employees to meet the duties of their role. Special requests for equipment beyond that provided must be approved by the Department Head. Reimbursement to employees for expenses incurred and equipment necessary for City Required telework will be reviewed on a case- by-case basis. If unreasonable purchases are required in order for an employee to telecommute, the employee will not be considered eligible to participate in the telecommuting program.

Employees should minimize use of personal technology for City purposes. If employees must use their own equipment (e.g., personal computer, modem, printer, desk, vehicle, phone, etc.), they may do so provided the City incurs no cost or risk. Repair and maintenance of employee-owned equipment is the responsibility of the employee. Employee-provided equipment must be determined to be appropriate by the City and is subject to change.

Employees may use City-owned equipment, with prior supervisory approval. Equipment supplied by the City is to be used for City business only. Employees using City-owned equipment and working remotely will be required to use a VPN connection. Employees who use City equipment at home must agree to protect such equipment from loss or damage. Upon termination of employment, or at any time at the City's request, the employee will return all City property to the City.

Telecommuting employees will not be reimbursed for supplies used in the course of City business. All necessary supplies must be obtained from the City.

The City will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities, internet service, etc.) associated with use of the employee's residence or other non-City location. Homeowners' insurance and any changes in rates or coverage are the sole responsibility of the employee.

H. COMPENSATION/BENEFITS

The employee's compensation, benefits, work status, and work responsibilities will not change due to telecommuting.

The telecommuting agreement will set forth the employee's work hours. An employee telework agreement does not permit the employee to perform work outside of these hours or authorize an employee to work more than their scheduled hours. Employees who work overtime with advance approval, or at the request of their supervisor, will be compensated in accordance with applicable laws, collective bargaining agreements, and City policy. Failure to obtain prior approval for overtime work may result in removal from telecommuting and/or other appropriate action.

Supervisory approval must be obtained prior to taking leave. Leave requests will be made in accordance with standard City of Missoula and departmental procedures.

I. LIABILITY

To the full extent any applicable Montana law exists, those laws, including any exceptions or exclusions, shall apply to any liability or workers compensation damage or injury to any person. It is the intent of the City of Missoula to be in compliance with Montana state law when addressing any city employee telecommuting work related liability or workers compensation accidents, incidents, or episodes that might occur, as long as the conduct, action or activity is determined to be within the course and scope of performance of city employee telecommuting work.

City employee telecommuting work is at the discretion of the city as employer. It is recommended that the city employer and the telecommuting city employee establish parameter scheduled work hours/work days for the general or regular performance of any telecommuting work by the city employee. The city as employer reserves the right after provision of advance notice, to go to any telecommuting work site to inspect the telecommuting work environment, safety, security and/or hazards that may exist at the work site.

Employees are prohibited from holding in person work meetings with other staff, vendors or customers at the remote work location. With respect to any liability claims that might arise associated with telecommuting work involving any telecommuting city employee with respect to any third party, the telecommuting city employee shall be solely responsible for any liability or property claims or damage that occurs to any third party at the telecommuting worksite that occur outside the actual course and scope of the city employee's telecommuting work performance. The employee shall indemnify and hold harmless the city for injuries to third parties or damages to real or personal property occurring at the telecommuting employee's workspace location.

With respect to any injury to any telecommuting city employee occurring outside the course and scope of the telecommuting city employee's telecommuting work, the city shall not be liable or responsible for accidents and injuries that occur. Outside the course and scope of the telecommuting city employee's telecommuting work.

In the case of any injury or damage occurring at any telecommuting work site, the telecommuting city employee shall immediately obtain any necessary medical treatment and immediately report the injury or damage to their supervisor. The supervisor or the supervisor's designee shall investigate all accident, injury and damage reports as soon as possible after receiving notification of the damage or injury.

J. CONFIDENTIALITY/SECURITY

Employees working remotely must connect to the internet using a password-protected router or mobile hotspot. Employees are prohibited from conducting City business over open or unsecured networks including open networks provided by hotels and cafes. Any work with confidential or private data must be conducted on City-issued equipment.

To ensure hardware and software security prior to installation, the supervisor, in compliance with City IT Department requirements, must approve all software used for telecommuting. Restricted-access materials will not be removed from the City work location or accessed electronically unless approved in advance by the supervisor.

The employee must follow City data security procedures at the alternate work site to protect the department or City records from unauthorized disclosure or damage and comply with the privacy requirements set forth in state law and City policy.

Employees must ensure that all City-related documents and records of any type are retained on City storage in accordance with records retention requirements.

K. TAX IMPLICATIONS

The employee shall determine any tax or legal implications under IRS, state and other relevant laws related to working from a home-based office. Responsibility for fulfilling all obligations in this regard rests solely with the employee.

L. APPLICATION PROCESS

Employees wishing to telecommute must discuss the possibility with their supervisor. If both parties and the Department Head agree to telecommuting, the Telecommuter's Agreement must be completed and submitted to the Human Resources Department. The Telecommuting Agreement is found in the Forms section of the HR Department Website. A copy of the Telecommuting Agreement will be kept in the employee's personnel file. Department directors or their designees are responsible for maintaining their own list of teleworking employees, monitoring compliance, and ensuring forms are updated to reflect current practices and expectations.

M. TERMINATION OF AGREEMENT

The City may terminate a telecommuting agreement for any reason or no reason at all. If termination of an agreement is necessary, the City will attempt to give as much notice as possible prior to requiring an employee to return to the office, however in some circumstances such requirements may be with little notice.

The employee may terminate a telecommuting agreement or request to change the agreement with 30 days written notice to the supervisor. Prohibiting any space or equipment notices, most requests will be approved and in effect in a timely manner.

Any changes or terminations of an agreement must be reported to the Human Resources Department.