

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF YUBA, STATE OF CALIFORNIA**

**RESOLUTION ADOPTING THE YUBA COUNTY)
TELEWORK POLICY AND GUIDE)**

RESOLUTION NO. 2023-016

WHEREAS, the County of Yuba (County) acknowledges that technological advances have made teleworking a feasible option for many organizations and the use of teleworking is a viable voluntary option for some County employees; and

WHEREAS, The primary mission of the County is serving the community. The County also strives to be an employer of choice where employees have high levels of job satisfaction. These values and objectives are not mutually exclusive, and the County adopts the Telework Policy and Guide (Policy & Guide) as an alternative work option with the expectation that telework will not diminish the level of services and programs that County departments provide; and

WHEREAS, additionally, it is the intent of the Policy & Guide that the County's work culture will continue to foster employee collaboration, camaraderie, and innovation and that a balance between telework and an in-person presence in the work environment will support this intent; and

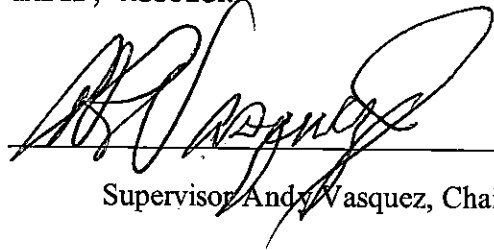
WHEREAS, the purpose of the Policy & Guide is for approving and implementing telework arrangements and for providing general guidance, best practices, and documents for teleworking in the County. County Departments shall use the Policy Guide when developing a department specific program.

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NOW, THEREFORE, BE IT RESOLVED that the Yuba County Board of Supervisors hereby adopts the Yuba County Telework Policy and Guide as set forth in Exhibit A.

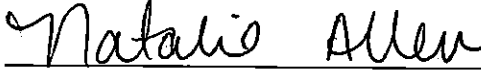
PASSED AND ADOPTED by the Board of Supervisors of the County of Yuba, State of California, this 14th day of February 2023, by the following vote:

AYES: Supervisors Vasquez, Blaser, Fuhrer, Messick
NOES: None
ABSENT: Supervisor Bradford
ABSTAIN: None



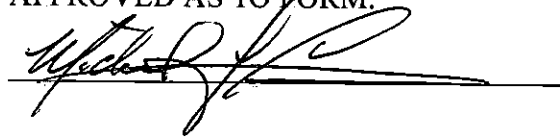
Supervisor Andy Vasquez, Chairman


ATTEST: MARY PASILLAS
CLERK OF THE BOARD OF SUPERVISORS



Natalie Allen, Board Clerk

Michael J. Ciccozzi
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:



	<p align="center">COUNTY OF YUBA POLICY MANUAL</p>	<p>POLICY NO.: HROS-4.28 PAGE 1 OF 10</p> <p align="center">ORIGINATION DATE: FEB 14, 2023</p>
<p>Title: Yuba County Telework Policy and Guide</p>	<p>Approved By: Board of Supervisors</p>	

Purpose and Background:

Background

Yuba County is committed to providing responsive, innovative and sustainable services that enhance the quality of life and uphold the public trust with the residents and businesses our organization serves. As a response to the COVID-19 Pandemic, many organizations utilized telework including Yuba County in order to continue services. There were lessons learned through the implementation of telework due to the emergency response, with the most notable being that the Pandemic has fundamentally shifted the workplace landscape where nearly every organization has implemented some type of ongoing telework option for its workforce. This fundamental shift in workforce expectations creates a necessity to create a voluntary telework policy for the post Pandemic era in order for Yuba County to continue to strive to be an employer of choice. The Yuba County Telework Policy and Guide replaces Yuba County’s Emergency Telework Policy.

Purpose

The County’s mission is to provide services to the residents and businesses within the County. In order to serve the community at the highest level possible, the County wants to continue to attract and retain a well-qualified, service-minded, and responsive workforce. The objective of retaining the workforce through this telework policy is in support of the County’s mission to serve the community. The County adopts this policy as an alternative work option with the expectation that telework will not diminish the level of services and programs that County departments provide. Additionally, it is the intent of this policy for the County’s work culture to continue to foster employee collaboration, camaraderie, and innovation, and that a balance between telework and an in-person presence in the work environment will support this intent. This policy is not intended to create the option for fulltime (100%) telework as a level of in-person work is needed for all positions within the organization to achieve the objectives above. Successful telework programs will be developed around the operational needs of each department. Each Department Head is encouraged to review their operations to determine if establishing a formal, voluntary telework program for their department meets the mission of serving the community and the objective of workforce attraction and retention.

The County has developed a Step-by-Step Telework Policy and Guide (Policy) for approving and implementing telework arrangements. The Policy provides general guidance, best practices, and forms for teleworking in the County. County Departments must adhere to this Policy when developing a department-specific program that is submitted to the County Administrator's Office for review and approval.

What is Telework?

The County defines telework as work conducted by an employee at a work site other than a County office or other County location. While "telework" and "telecommute" are often used synonymously, telecommute refers to the portion of teleworking that applies to the daily commute. This guide refers to teleworking, not telecommuting. Telework is a pre-approved and voluntary work arrangement made between an employee and their department head or designee. Teleworking does not modify an employee's salary, job responsibilities, or benefits. The expectation for the quality, quantity, and timeliness of work deliverables and work performance is not modified by telework arrangements.

The County recognizes the benefits of telework, including:

- Providing an additional employee recruitment and retention tool and increasing the County's competitive advantages by positioning the County as "an employer of choice";
- Increasing the County's ability to provide essential services during/following an emergency;
- Reducing employee commuting theoretically reducing traffic and parking congestion; and,
- Maximizing the use of County resources.

Policy:

Departmental telework programs (Programs) should identify the functional program areas and staff positions where telework will be both practical and beneficial. All Programs must ensure that the terms and conditions of employment for the teleworker (employee) and the manager/supervisor remain unchanged. Most notably, telework hours, overtime, compensation, and vacation schedules must conform to existing County, Departmental, and/or telework-related policies and procedures, as well as the provisions within the respective Memoranda of Understanding (MOUs) with the appropriate labor organization. A Telework Agreement has been created to address many compliance issues, including safety, worker's compensation, use of County equipment, and telework costs.

Telework Program Roles and Responsibilities

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Below are the standard roles and responsibilities for Department Heads, managers/supervisors, employees (teleworkers), and the County Human Resources Department, with respect to teleworking in the County.

Department Heads

- Examine Department operations and identify areas where telework may meet the department and County mission and the objectives of this policy;
- If there are positions and/or program areas within the department where there is opportunity to meet the mission and objective of this policy, create a written draft Department Program which adheres to all applicable County and Departmental policies and procedures;
- Submit the written draft Department Program to the County Administrator for review and approval;
- Once a Department's Program is approved by the County Administrator, Department Head approves or denies employee requests for Telework; and
- If the Department Head seeks to utilize their Department Program, submits their telework request to the County Administrator to approve or deny.

Managers and Supervisors

- Educate prospective and current employees about the Department's Program;
- Review Telework requests and determine, on a case-by-case basis, if the proposed telework schedule will contribute to the County's mission and objectives, while maintaining or improving safety standards as well as the efficiency, productivity and effectiveness of business operations;
- Ensure necessary training, documentation, and/or verifications are provided to the employee;
- Obtain approval of the Department Head for all Telework Agreements;
- Inform teleworkers that failure to comply with established County and Departmental policies and procedures, as well as Program requirements, may result in termination from the Program;
- Ensure employees who do not request telework or who are not eligible to telework are not adversely impacted by telework arrangements;
- Provide specific, measurable, and attainable performance expectations for the teleworker, such as specific assignments, corresponding deadlines, and clarity on the quality of the work expected;
- Monitor teleworkers' ability to deliver on performance expectations, assignments, deadlines, as well as quality and quantity of work;
- Periodically review Telework Agreements to ensure compliance with the Program;
- Maintain copies of all signed telework forms/agreements, including the following documents:

- Safe and Effective Telework Environment Checklist and Self Certification
- Telework Request & Agreement
- Coordinate with Information Technology (IT) to determine the minimum internet connectivity speed and security required for the telework in question; and
- Coordinate with fiscal staff regarding potential budget impacts (special IT equipment, IT services, etc.)

Employees

- Confirm that their position has been identified by their Department's Program as a position suitable for telework;
- Submit a Telework Request & Agreement to their supervisor/manager for review.

When telework is determined to be a viable work option by the Department Head, employees must work with their supervisor/manager to:

- Acquire the skills necessary to meet Department requirements and operate independently from a telework site;
- Establish and maintain an acceptable and safe telework space including the required internet connectivity speed and security (Safe and Effective Telework Environment Checklist and Self Certification);
- Develop and follow an agreed upon Telework Agreement and determine how work productivity and performance will be measured;
- Adhere to all County and Departmental policies and procedures regarding privacy and information security;
- Comply with tax laws (the County is not responsible for substantiating a teleworker's claim of tax deductions for operation of a home office used to perform work. Employees should seek advice from a tax advisor concerning home office deductions);
- Maintain the same communication standards applicable within the office environment (i.e. checking voicemails, emails, Teams, etc. on a regular basis) and keep interruptions to a minimum;
- Report any workplace/security incidents immediately to their manager/supervisor;
- Manage dependent care and/or personal responsibilities in a manner that employee ensures they are successfully able to fulfill job responsibilities.
- Report any improperly functioning or damaged County-issued equipment.
- Report any lost or stolen County-issued equipment assigned to the teleworker immediately to their manager/supervisor and to the IT Help Desk at (530) 749-7890 or 7891, and via email: helpdesk@co.yuba.ca.us.
- Promptly report constraints that impact the ability to telework such as power/technology failures and make arrangements with their supervisor/manager to shift to in person work during the failure or other arrangement. Depending on the Department's ability to accommodate the employee's power/technology failure, employee's vacation, CTO, or management leave accruals will be used for hours not worked.

- Not hold in-person meetings if the teleworking work site is a residence.
- Record and report all time worked accurately.

Human Resources Department

- Assist County Departments in developing Department Telework Programs in compliance with the County's Telework Policy & Guide;
- Provide information, resources, and tools on Occupational Health and Safety and Ergonomic Office Standards;
- Coordinate with the County Administrator to maintain and update the County's Telework Policy and Guide, as needed.

Procedure:

The County has developed a Step-by-Step Telework Guide (Guide) for approving and implementing telework arrangements. County Departments will use this Telework Policy and Guide when developing a department specific program.

The steps include:

1. **Determine Areas/Function within the Organization Suitable for Telework**
2. **Complete Telework Training**
3. **Establish a Safe Telework Environment**
4. **Create a Telework Arrangement**

Step One: Determine Areas/Functions within the Organization Suitable for Telework

Departments should determine the areas or functions within their organizations where telework can be a beneficial and practical solution that continues to meet program and operational needs.

The Department Head retains the sole discretion to determine the classifications, positions, and employees that are authorized to telework.

Criteria to be considered when assessing the appropriateness of a telework arrangement include, but are not limited to, the following:

- The responsibilities and essential duties of the job classification and particular assignment;
- The operational and functional needs of the department and the potential for diminished or disrupted services;

- Job duties which may be performed via telework for a portion of the work week without diminishing the quality or quantity of work or work team collaboration and culture;
- The employee's need for training and development, which may include probationary and onboarding considerations;
- Factors limiting how, when, or where the work must be completed;
- The ability to use alternatives to face-to-face communication which mitigate the need for physical presence for a portion of the work week;
- Generally, positions that work under general supervision in the execution and handling of work product, such as writing, reading, telephoning, planning, advising, etc. and not regularly responsible for in-person customer/client interaction are potential candidates;
- In addition, supervisory and management positions where responsibilities may be reasonably performed remotely for a portion of the work week and daily hands-on review or oversight of work, or continuous presence at the department worksite is not required;
- The technology needs of the position must be reasonably feasible to set up in a remote work location without unduly increasing the workload to IT resources.

Employee Eligibility Criteria

- Employee must be trained sufficiently and have demonstrated work performance to execute the duties of the job in an independent manner without close supervision, and the employee must be meeting expectations for their position.
- Employee's telework location must be in California and approved in their telework agreement, and the employee must be able to report to their regular worksite if needed for necessary operational coverage within a reasonable amount of time, i.e., within 1 hour or as determined by the Department Head based on business needs.
- Employee must be available to be assigned to an onsite location at the employer's discretion for operational needs, or as needed during an emergency for a disaster service assignment.
- The employee must be able to create a functional and ergonomically safe Telework Worksite with reliable and secure internet access; the employee must complete County-provided training on ergonomic safety.

In recognition of organizational changes and advances in remote technology capabilities, Departments are encouraged to annually evaluate their ability to offer a program. Departments should also regularly review which areas/functions are suitable for telework as changes in classifications, duties, assignments, and projects may impact suitability. Lastly, Departments should make up-to-date information on telework suitability available and communicate any changes to existing policy to staff.

A decision to institute, modify or eliminate a Telework program rests with the Department Head subject to County Administrator approval.

Step Two: Complete Telework Training and Establish a Safe Telework Environment

The County reserves the right to accept or reject a Telework request. Telework is an option that County management may choose to make available to qualified employees when a mutually beneficial situation exists. Telework is not a universal employee benefit; employees do not have a "right" to telework and this work option may be terminated by either the employee or the County at any time. Please note that a telework arrangement is a mutual agreement between the teleworker and the Department; it is not a forced condition of employment.

-Should a telework request be rejected, the employee may request to meet with the Department Head to discuss the reason for denial. That meeting shall occur within 30 calendar days of the rejected request. An employee may submit a new request when the denial reasons provided are addressed and no longer prohibit telework success.

If the Telework Request is approved by the Department Head, the employee and the manager/supervisor may establish a telework arrangement.

The opportunity to participate in a Program is offered with the understanding that an employee is responsible for ensuring that their telework environment is both a safe and an effective place of work. The telework environment must comply with all County and Departmental health and safety programs and policies, including but not limited to the County Injury and Illness Prevention Program, County Ergonomics Program/Policy, and Departmental safety programs. Failure to do so may be justification for termination from the telework program.

Managers/supervisors and teleworkers will review and sign the Safe and Effective Telework Environment Checklist and Self Certification on an annual basis.

Step Three: Create a Telework Agreement

Once the employee and the supervisor/manager have completed steps 1-2 (above), a Telework Agreement may be drafted. The County encourages Departments to conditionally approve new telework agreements for up to a 6 month trial period. The trial period should allow sufficient time to determine whether a telework arrangement is meeting the needs of the teleworker and the Department.

Once the manager/supervisor has determined that the telework arrangement is effective, Telework Agreements may be approved for one year periods. It should be noted that prior approval of a telework agreement does not guarantee future approval.

The Department reserves the right to cancel a Telework Agreement at any time and for any reason. The Telework Agreement can be canceled by the teleworker, the immediate manager/supervisor, the Department Head and/or the County Administrator. A decision to cancel a telework agreement is not deemed a punitive action, a disciplinary action or an adverse employment action.

All County-owned equipment issued to an employee in order to telework must be returned immediately to the employee's manager/supervisor upon the end of their telework arrangement.

Other Considerations for Teleworking

Information Security

Security of confidential information is of great importance to the County. Teleworkers, like all County employees, are expected to adhere to all Countywide and Departmental policies and procedures regarding information security. For more information, see departmental privacy policies and Countywide Technology Use Policy.

Supplies, Equipment, and Costs

Employees may use County supplied ordinary and necessary supplies such as writing supplies, paper, post-it notes, tape, etc., for their telework location. Employees should follow their department's normal protocols regarding accessing and ordering these types of supplies. These supplies are to be used for County work only.

Employees will not be reimbursed for costs associated with the use of computer and/or personal cellular equipment, including data or maintenance costs, internet service, energy, home workspace furniture and ergonomic equipment.

IRS rules and County mileage reimbursement guidelines will be followed. Accordingly, the employee will not receive mileage reimbursement for any travel that would not occur if the teleworker were at their department worksite and travel between the telework site and departmental worksite for any reason on teleworking days.

The provision of duplicate equipment (i.e., desk, chair, printer) for use in the alternative worksite will generally not be approved for voluntary telework agreements, however exceptions may be approved by the department head based upon documented business need.

Work Related Injury While Teleworking

In the event an employee suffers a work-related injury while teleworking, worker's compensation laws apply just as they would if such an injury occurred in the workplace. Employees must follow County policy for reporting on-the-job Work Injuries by notifying their manager/supervisor immediately and completing all necessary steps and documents regarding the injury (i.e. contacting Company Nurse).

The County assumes no liability for injuries that occur outside of the performance of the employee's duties and/or outside of the employee's scheduled telework hours. Employees are liable for injuries to third parties (i.e. family members, other non-County employees, etc.) that enter the designated work space.

Work as a Disaster Service Worker

Nothing in a telework schedule or executed telework agreement alleviates employees from their mandated requirement to meet the criteria of California Government Code 3100 and report to a disaster service role in Yuba County as soon as possible and within a short and reasonable amount of time.

Disability Accommodations and the Interactive Process pursuant to ADA or FEHA

Disability accommodations and the interactive process as required by the Americans with Disabilities Act and the Fair Employment and Housing Act are outside of the scope of this policy.

Reference:

The following forms (attached) have been developed to provide a foundation for Departments in the development of their individualized telework programs.

<p><u>Safe and Effective Telework Environment Checklist and Self Certification</u></p>	<p>It is important for all employees to maintain a healthy, safe and ergonomically sound work environment while working in the office or at a remote location. The major difference between the employer's office and the home office is ownership and control over the workplace.</p> <p>All teleworkers and supervisors/managers are responsible for reviewing the Safe and Effective Telework Environment criteria and signing and dating the Checklist and Certification portion of the form on an annual basis.</p>
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<p><u>Telework Request & Agreement</u></p>	<p>The Telework Request & Agreement verifies that all essential components of a telework agreement have been addressed prior to the start of teleworking. Manager/supervisor or the employee completes the Telework Agreement. The agreements are signed and dated by the teleworker/employee, manager/supervisor and the Department head or designee to demonstrate that all parties have read and understand the Telework Program Standards and Procedures.</p> <p>The Department head or designee has the final decision- making responsibility for approval of a Telework agreement.</p> <p>The Telework Agreement, like the Telework Safety Self Certification, must be reviewed, signed and dated by the supervisor and the employee on an annual basis.</p>
<p><u>Telework Document Upload Guide</u></p>	