

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> TELECOMMUTING POLICY	<u>Regulation No:</u> 2.4	<u>Effective Date:</u> February 24, 2012
	Supersedes: NEW POLICY	

I. PURPOSE

The purpose of this regulation is to establish a policy that permits Town of Vienna departments to designate employees to work at alternate work locations for all or part of their workweek in order to promote general work efficiencies.

II. APPLICABILITY

This policy applies to all employees.

III. DEFINITIONS

- A. Alternate Work Location: Approved work sites other than the employee's central work place where official Town business is performed. Such locations may include, but are not necessarily limited to, employees' homes and satellite offices.
- B. Central Workplace: The employer's place of work where employees are normally located.
- C. Employee: An employee who works away from his/her central workplace either at home or at another agency-designated or approved remote work location.
- D. Telecommuting: A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace, in accordance with telecommuting agreements.
- E. Telecommuting Agreement: The written agreement between the Town and employee that details the terms and conditions of an employee's work away from his or her central workplace. Telecommuting agreements are required for telecommuting.
- F. Work Schedule: The employee's hours of work in the central workplace or in alternate work locations. (See Administrative Regulation (A.R.) 2.12, Hours of Work)

IV. POLICY

A. Criteria for Participating

- 1. Eligibility Requirements: Telecommuting arrangements can be initiated by the

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employee or the supervisor. It may be available as an option for full-time, part-time or temporary positions within the Town. However, there are many factors which must be considered in determining whether telecommuting is suitable for the work to be performed and the employee. Selection is based upon review of the work and the worker as suitable for telecommuting. Telecommuting is not an employee entitlement nor should it be construed as a reasonable accommodation for the purposes of the Americans with Disabilities Act, Rehabilitation Act or any other federal, state or local regulation. Approval for the telecommuting arrangement rests with the Department Director.

Telecommuting may be discontinued or temporarily suspended at any time at the discretion of the employee's supervisor or department director. The employee may also request termination of the telecommuting agreement.

2. 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 telecommuting is a possibility for a particular position. No specific positions are excluded from the telecommuting program, however, the following factors related to the nature and function of the job must be considered:
 - a. 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.
 - b. The employee's participation in the telecommuting program will not adversely affect the department's ability to meet and/or exceed customers' needs.
 - c. The position does not require daily unscheduled face-to-face contact with other employees or the public at the standard Town worksite. Many positions include some duties which involve autonomous and independent tasks. Some positions may involve a high frequency of field work which can be performed while telecommuting.
 - d. The position includes activities that will benefit from quiet or uninterrupted time.
 - e. The technology needed to perform the tasks is available.
 - f. Position can be monitored by output, not time spent on the job and clear work

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objectives have been identified for the job.

3. Determining Employee's Suitability: To be successful as a telecommuter, employees need to possess several attributes which indicate they can work well with this type of arrangement. Employees who are considered good candidates for a telecommuting arrangement should possess or exhibit the following characteristics:
 - a. Be able to work independently without close supervision.
 - b. Have the ability to prioritize work effectively and utilize good time management skills.
 - c. Be effective at meeting deadlines and possess proactive communication and planning skills.
 - d. Be disciplined, reliable, professionally motivated and show a high sense of responsibility in accomplishing work assignments.
 - e. Employee must have successfully completed the 12-month probationary period with the Town.
 - f. Must have received at least an overall "meets expectations" score on his/her most recent Performance Evaluation.
 - g. Must not have been placed on restricted leave or disciplined within the past 12 months.

4. Equipment and Supplies: Employees and supervisors should discuss equipment, supplies or support needs prior to initiating an Agreement. The Town purchase of new equipment or support items is at the discretion of the Information Technology Department and contingent upon the availability of funds to support the request.
 - a. As a general rule, the Town may provide portable computer equipment, basic office supplies (pens, paper, pencils) and reimbursement or payment for any work-related long distance calls while telecommuting (subject to available funding.) The Information Technology Department will be responsible for procuring and programming necessary equipment to be used at the alternate worksite. The employee will be responsible for transporting the equipment to the

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telecommuting site, and bringing the Town equipment to the Information Technology for service or repairs. The Town will repair equipment that is damaged in the normal course of work. Intentional damage or the loss of equipment will be the responsibility of the employee.

Town equipment must be used for official business only. Any equipment provided remains the property of the Town and is to be returned when the telecommuting arrangement is terminated. If leaving employment with the Town of Vienna, employees are required to return all Town property and equipment within three business days of the last date of active work. Failure to do so may result in the Town taking action against the individual to regain, or receive the value of, the property.

- b. As a general rule, if working from home, the employee will pay the cost of obtaining high speed internet service, preferably broadband service where available, and basic telephone service. The employee must be accessible by telephone at the telecommuting site. Should there be a telephone or an internet service outage at either the telecommuting site or standard Town work site while telecommuting during the expected work hours, the employee should contact his/her supervisor as soon as possible to discuss the most appropriate course of action. If a wireless home network is used for internet service, the employee must ensure proper security devices are in place which enables encryption to protect the security of Town files and information.
- c. Other potential support needs may be identified as necessary to perform the tasks, such as printer or a file cabinet to store documents. (No confidential records or public records are permitted to leave the main worksite.) These items may be provided by the Town at the discretion of the Department Head and/or Information Technology based on the merits of individual situations and available funding.

B. Work Guidelines for Telecommuting

- 1. Authorized Workweek: The total number of authorized hours that an employee works in a workweek is not affected by telecommuting, 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 law regarding overtime is also not affected by telecommuting for FLSA non-exempt employees. Hours of work beyond the

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authorized workweek require prior supervisory approval and must be compensated appropriately. Employees may be approved both to telecommute and to work a flexible schedule by their supervisor.

2. 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.

3. Use of Leave: Telecommuting is not intended to be used in place of Annual Leave (A.R. 2.9-1), sick leave (A.R. 2.9-2), Civil Leave (A.R. 2.9-6), Family and Medical Leave (A.R. 2.9-3), Military Leave (A.R. 2.9-7), or other types of leave.

However, Departments may determine whether or not it is appropriate to offer telecommuting as an opportunity for partial or full return to work based on Town policy and the criteria normally applied to decisions regarding the approval of telecommuting.

4. 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 Director), as no additional compensation will be provided. 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.
5. Telephone or Internet Service Outage: In the event of a service outage of either telephone or internet services at the telecommuting site or standard Town work site, 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 to take leave. In these circumstances, leave is available to telecommuters who may experience difficulty in reporting to work and who choose to stay home in lieu of reporting to their standard Town work site. The employee may use their own accumulated annual or compensatory time or take leave without pay (sick leave cannot be used unless the employee is already on approved sick leave).
6. Compensation, Benefits and Taxes: Compensation and benefits are not affected by

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telecommuting arrangements. An employee will be paid at the same rate of pay and will receive the same fringe benefits as if he/she were working at his/her standard Town work site. The employee is responsible for determining if there are federal, state, or local tax implications which may result from the telecommuting arrangement.

7. Safety Checklist: The employee is responsible for designating a work space if the telecommuting location is the employee's home. The work space must be sufficient for the placement of equipment and supplies and the employee will maintain the work space in a safe condition, free from possible hazards. An employee who is approved to telecommute from a home location must complete and sign the Self-Certification Alternate Worksite Safety Checklist, and include it with the Telecommuting Agreement.
8. 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 telecommuting location, the telecommuter must immediately report the incident to his/her supervisor. The Town is not liable for any third-party (family, visitors, etc.) injuries which may occur at a home work location. Employees are liable and financially responsible for such occurrences and may want to consider alternate insurance coverage.
9. Mileage: Employees are subject to the mileage reimbursement guidelines contained in Administrative Regulation 6.1 and will not be reimbursed for mileage incurred in traveling from their home or other telecommuting location to the standard Town work site. The standard Town work site will be defined as the Town government location which is the employee's primary worksite of record.

Employees will be reimbursed, according to A.R. 6.1, for mileage incurred for work related travel from the alternate worksite, (with the exception of travel to the standard Town work site) including work performed in the field.

10. Confidentiality: The employee must maintain appropriate confidentiality of all work-related information, including written documents, electronic files and verbal transactions. Written information must be maintained in a file box or cabinet and the employee is responsible for maintaining security of 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.

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All workforce members employed by a department defined as a covered entity per the Health Insurance Portability and Accountability Act (HIPAA) must take extra precautions to ensure the confidentiality, integrity and availability of its protected health information (PHI). An employee working in these departments is required to complete and sign the Privacy and Security Agreement as part of the Telecommuting Agreement. In the event of an investigation concerning a HIPAA Privacy and/or security complaint, the Town of Vienna reserves the right, with prior notice to the employee, to conduct a home inspection.

11. Communication: The supervisor and telecommuting 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.
12. Dependent Care: Telecommuting is not a substitute for childcare or other dependent care responsibilities. If a child or dependent is present during scheduled work hours, the employee will 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 telecommuting or use leave pursuant to the provisions set forth in the Town policies and subject to the approval of the employee's supervisor.
13. 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 telecommuting arrangement.
14. Consistent 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 telecommuting. Days spent and work accomplished from a telecommuting location should appear seamless to the public.
15. Modifying, Renewing and Terminating the Agreement: The supervisor may modify any portion of the Telecommuting Agreement if necessary. Each Agreement needs to be reviewed/renewed annually to ensure there is continued benefit to both the Town and the employee. It is also recommended that telecommuting agreements be reviewed by the employee and the supervisor in situations where the work assignments or the employee's supervisor has changed. Either the employee or the

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Department Director may terminate the Telecommuting Agreement at any time without cause. The employee, supervisor and department director should jointly determine a schedule for the employee to return to working at a regular workstation at their standard Town work site.

C. Application Process

Enrollment in the Telecommuting Program occurs when the Telecommuting Agreement has been submitted by the employee, approved by the supervisor and Department Director, and notification received by the Department of Administrative Services. The recommended steps to initiating the arrangement include the following:

Step 1: Evaluate the Situation

Either the employee may approach his/her direct supervisor or the supervisor may approach the employee regarding a telecommuting arrangement.

- Both the supervisor and the employee should have completed the Checklist for Telecommuting Suitability to help evaluate the situation.

Step 2: Discuss the Request Together

The employee and the supervisor should look at the criteria and eligibility of the position together; paying particular attention to identifying tasks and establishing clear objectives. Discuss whether the work style and remote environment of the employee is conducive to telecommuting successfully.

Step 3: Agree Upon the Work Arrangement

If it is determined the tasks and the employee meet the eligibility criteria, the employee and supervisor should agree upon the days and work hours, productivity measures, the designated location, communication plan and equipment requirement for telecommuting. Many of these elements must be specified in the Telecommuting Agreement.

Step 4: Complete the Telecommuting Agreement

The Telecommuting Agreement must be submitted by the employee and approved by the supervisor. The following documents must also be submitted with the Telecommuting

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Agreement:

- Submission of Self-Certification Alternate Worksite Safety Checklist
- Submission of Privacy and Security Agreement

Final approval of the Agreement must be obtained from the Department Director. Once approved, notification is received by the employee, Supervisor and Administrative Services.

Step 5: Order Equipment and/ or Remote Access to Computer Systems:

- a) If a laptop is required to support the telecommuter, the employee must coordinate the request to purchase the needed equipment through the Information Technology Department.
- b) Request to access Town's computer systems off site through the Information Technology Department.
- c) Determine how telephone communication will be supported. Requests to forward the employee's Town telephone extension to a telecommuting location or other internet based phone service should be coordinated through Information Technology.

Step 6: Attend Training

The Information Technology Department will notify the telecommuter when his/her equipment and remote services are ready. The telecommuter needs to schedule the following training before telecommuting can begin:

- a) Virtual Private Network (VPN) and Security Training

Step 7: Trial Period

After the Telecommuting has begun there shall be a 90 day trial period after which the situation will be reviewed and evaluated to gauge if telecommuting is effective.

V. APPLICABLE DOCUMENTS

Checklist for Telecommuting Suitability (AS 2.4-1)

Telecommuting Agreement (AS 2.4-2)

Self-Certification Alternate Worksite Safety Checklist (AS 2.4-3)

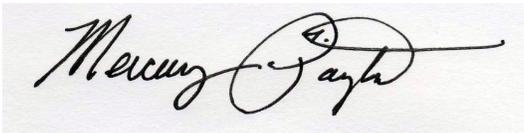
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Self- Certification Privacy and Security Checklist (AS 2.4-4)

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Signature of Town Manager:	Date:
	2/24/2012