

# Flexible Work Scheduling & Telework Policy

## I. Policy Overview

The Town's offices have set standard operating hours when they are open to the public. (Generally, 8:00 am – 5:00 pm, Monday through Friday.) Departments that would normally be expected to operate during these operational hours are required to have adequate personnel coverage. The Town of Apex may permit eligible employees to work at an alternate work location for all or part of the work week in order to promote general work efficiencies when it is determined the use of alternate work locations is beneficial or necessary to mitigate risks to the continued delivery of Town government services. This policy provides guidelines for telework arrangements and work schedules for employees whose position allows for a variation in normal work hours and location.

This policy applies to office-based employees who may be working from home or another location during a short-term project, during business travel, or other informal, short term arrangements. This policy also applies to hybrid arrangements where office-based employees regularly work a portion of the week from their personal residence. This policy does not apply to employees whose principal place of employment is designated as their personal residence. All such long-term, ongoing arrangements can be referenced in the **Remote Work Policy**. Similarly, this policy does not apply to requests for telework arrangements as a reasonable accommodation under the Americans with Disabilities Act (ADA). Such requests should be made directly to human resources and follow the ADA reasonable accommodation process.

## II. Purpose

The purpose of the Flexible Work Schedule and Telework policy is to provide a means to address the potential conflicts an employee may experience between work and family obligations, or to assist an employee who is unable to physically be present at work due to illness, inclement weather, emergency closure of office buildings or other circumstances where working a non-traditional work schedule, or working from home provides a satisfactory solution to the employee and Department Director. Flexible scheduling may also benefit the Town by providing for an expansion in service hours and an increase in employee job satisfaction.

Any deviations from this policy must be approved in writing by the Town Manager or designated approver with the concurrence of human resources.

## III. Variation in Normal Work Hours

An employee may request to work a regular work schedule that is different from the department's normal operating hours. A regular fulltime work schedule must consist of 40 hours per week for non-exempt employees, or 80 hours per pay period for exempt employees, and meet the following parameters:

- The regular work schedule is consistent on a weekly or bi-weekly basis and is not adjusted daily unless work demands such as after-hour meetings create a need for a variance on certain weeks. The hours of the work day may be the same or vary as long as the schedule is regular, with variances approved by the supervisor.

- The established flextime schedule does not create an overtime liability.
- Adequate supervision, or accountability measures must be in place during the flextime period.
- Employees who work a pre-determined work schedule with varying daily hours may be required to return to a normal work schedule or adjust their work hours for all weeks that contain a Town holiday.

Flexible work schedule requests must be approved by the Department Director who is responsible for ensuring that customer service is not diminished and business operations are not negatively impacted by a flexible work schedule.

#### **IV. Telework Arrangements**

Telework options may be available to employees when the department head determines customer service, teamwork, and productivity would not be negatively impacted, and the employee is meeting or exceeding all performance expectations. Telework is not an entitlement for any position and participation in a telework arrangement may be ended at any time by the Department Head. Telework options may be offered to employees as a home and office hybrid arrangement or as a short-term arrangement. Before telework begins on a short-term or hybrid basis, the IT Department must review and confirm the employee's work issued equipment is adequate for a telework arrangement.

Employees interested in a telework arrangement are responsible for submitting a written request for consideration to their immediate supervisor. The employee is responsible for providing all information needed, as requested, to assess the proposed arrangement.

The employee's request for a telework arrangement should include (i) any duties that could not be performed as proficiently from the home location as they are performed in the office; (ii) how communication with supervisors, coworkers and business third parties will be maintained throughout the work day; (iii) how security and confidentiality of all Town of Apex information will be maintained; (iv) whether and how the employee will be as or more productive working from home than in the office and how this can be measured.

In order to determine whether an employee is eligible to participate in a telework arrangement, the supervisor and/or Department Director must confirm that the employee and the employee's position meets the following criteria:

- The employee's job duties can adequately and effectively be performed from an alternate location on a short term or hybrid basis.
- Potential effect on providing service to internal/external customers and vendors
- There are no existing or known potential cybersecurity or data privacy concerns that would pose a risk to the Town.
- The employee will be available for collaboration with the members of their department and other colleagues, clients, and customers during business hours.

- The employee has access to the necessary Town issued equipment and software to perform their job duties.

Approval from the Department Head and Town Manager or the Town Manager's designated approver (Asst. Town Manager, Human Resources, etc.) must be obtained prior to formally approving a telework arrangement. The employee must sign a telework agreement prior to beginning the telework arrangement. The agreement will be maintained in the employee's personnel file and will outline the responsibilities the employee and Town have for providing office space, supplies, equipment, etc., during the telework period as well as expectations for accounting for work hours, liabilities and any other special requirements.

### **Hybrid Telework Arrangements**

Any hybrid telework arrangements should adhere to the following standards:

- At a minimum, an evaluation of the employee's performance and hybrid telework arrangement will be conducted after the conclusion of the first 6 months. After the initial trial evaluation, the employee's performance and the arrangement will be evaluated based on a schedule determined by the immediate supervisor and/or department director.
- The supervisor and employee will agree in advance to the telework schedule, with the supervisor and/or department director having final approval on the number of days the employee is allowed to telework. The schedule must remain consistent, and not change each week unless so required or approved by the supervisor on a temporary basis and/or for a specific business or departmental reason.
- All telework must be performed from the employee's principal residence in the state of North Carolina within a traveling radius that would allow the employee to appear onsite if required. Internet cafes or any other non-secured public work sites are not acceptable locations for telework. Telework employees must maintain an appropriate work environment within their home for work purposes.
- Work hours during telework days must be the employee's regularly scheduled work hours, and the employee must remain available for communication with the immediate supervisor and Town of Apex personnel during the scheduled work hours. Communication between the employee and the supervisor should be at a level consistent with, or better than, the level that exists when the employee is working at the office. All deviations from the scheduled work hours or work location must be approved in advance by the immediate supervisor.
- During regularly scheduled work hours and other approved work times, employees must work exclusively on Town of Apex projects. Work on personal or other business matters regardless of whether the employee is being compensated for such work is not permitted. Employees may not hire or use assistants to perform work for Town of Apex. Telework arrangements are not substitutes for arranging primary care for children or other dependents, and employees may not undertake such responsibilities during scheduled or other approved work time. Employees may not work second jobs while approved telework arrangements are in place.
- Employees must attend office or other offsite meetings on telework days, as requested. Teleworkers are not allowed to meet with customers, vendors, or any third parties relative to

Town of Apex business in their home, and Town of Apex specifically disclaims any liability for such activities in the employee's home. Management retains the right to modify this schedule and any telework arrangement as a result of business necessity.

- Non-exempt employees must accurately and contemporaneously record all hours worked using the Town's timekeeping system. All hours worked in excess of those specified per day and per week will require the advanced approval from the immediate supervisor. Employees working telework arrangements will be held to a higher standard of compliance than solely office-based employees due to the nature of the work arrangement. Any failure to comply with this requirement can result in immediate cessation of the telework agreement.
- Employees will only receive equipment to furnish one office, not two. For example, if an employee has a laptop, keyboard, mouse, docking station and 2 monitors at their onsite office, they would not be provided another set of those items for their home office. Standard office supplies will be made available to telework employees, and employees will retrieve them in person from the appropriate Town of Apex office location. This includes purchases that must be shipped to Town facilities (supplies/orders cannot be shipped to an employee's personal residence).
- The employee must agree to pay for and use personal internet services as needed for work purposes. Expenses for services such as data, intranet, electrical, and phone are the employee's sole responsibility and not reimbursed by Town of Apex. If there are internet/VPN connection issues that prevent or restrict the employee's ability to work at home, the employee must contact their supervisor immediately to discuss arrangements to report to the office.
- Equipment supplied by Town of Apex will be maintained by Town of Apex and must be used for business purposes only. Employees must refrain from personal or other non-Town of Apex business use of the equipment and prohibit all use by others. If you experience any technical difficulties, you must call or book a time to come into the Town Hall office with your equipment and meet with IT to resolve your technical issues onsite (there is no home repair option).
- Unless applicable law provides otherwise, employees may be financially responsible for any Town of Apex equipment that is lost, stolen or damaged. All equipment issued to employees for the purpose of telework must be returned to the Town of Apex upon separation.
- Town of Apex is not be responsible for any costs associated with the setup or continued maintenance of the home office space, including but not limited to, software outside of that typically installed on computers issued to employees, equipment beyond a laptop and monitor (which would be issued to the employee upon approval of the telework arrangement or the start employment) remodeling, lighting, repairs, or modifications to the home office space.
- All responsibility for tax or other legal implications for the business use of the home, based on all applicable IRS, state, other federal or local government restrictions or restrictive covenants, rests solely with the employee. Town of Apex has no responsibility to the employee should tax or legal problems arise from the telework arrangement.

### **Short Term Telework**

Telework arrangements may be allowed for employees on a short-term basis when personal situations make it difficult for an employee to be physically present at work and it is for the benefit

of the Town and the employee to perform designated work assignments remotely. Short term telework arrangements are less formal, and will have specific outcome-based assignments that are agreed on in advance by the employee and supervisor and approved by the department director. A formal telework agreement should be signed for any arrangement that will extend longer than 3 weeks. Failure to comply with the requirements of the telework arrangement may result in discontinuation of the arrangement and/or disciplinary action, up to and including termination of employment.