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Policy Name:	Telecommuting Policy	Date Adopted by Council :	September 5,2024

### **Purpose**


The City of Hendersonville recognizes that Telecommuting is both a management tool and a work site alternative that may be used to increase productivity and morale of employees, attract and retain highly qualified workforce, boost efficiency, lessen the environmental impact of vehicle travel, and aid in business continuity planning. Telecommuting is defined as a non-standard work arrangement whereby an employee works at home or in a satellite location outside of the traditional centralized worksite. Employees are expected to perform the same quantity and quality of work that they would perform in the centralized worksite. Telecommuting arrangements may be established for long-term or short-term periods.

The City of Hendersonville supports Telecommuting where feasible. Some positions, by the nature of their expectations and responsibilities, lend themselves to the possibility of telecommuting; others do not. In all cases, the needs of the City and service to the citizens and internal customers take precedence in decisions about telecommuting. Telecommuting does not change the basic terms and conditions of employment with the City and employees are subject to all City policies that apply when working at a City facility.

Telecommuting will be approved on a case-by-case basis by the Department Head. This policy outlines the process, rules, and procedures for employees who wish to Telecommute and supersedes any previous guidance (written or otherwise) pertaining to this subject. Violation of any provision of this policy shall be subject to appropriate disciplinary action up to and including termination.

The purpose of this guidance is to provide a consistent, fair, and equitable application of Telecommuting practices across City Departments.. This guidance outlines the process to be followed if an employee wishes to Telecommute.

This guidance covers all employees who have enrolled in a Telecommuting arrangement as described. Any employee may attempt to enroll in a Telecommuting arrangement, but enrollment shall always be approved by the Department Head. In no instance shall the City be obligated to accept any employee's request to Telecommute. Telecommuting is not a benefit or entitlement for any position and participation in a Telecommuting arrangement may be terminated at any time by the employee, the appropriate supervisor(s), Department Head, or the City Manager.


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### **Eligibility & Enrollment Procedures**

To successfully enroll in a Telecommuting arrangement, the employee must first meet all eligibility requirements listed below. Only when the appropriate supervisor(s) determines that the employee meets all eligibility criteria may the employee enroll in a Telecommuting arrangement as described in this section below. Supervisors will determine employee Telecommuting eligibility, enroll employees in Telecommuting arrangements, and monitor employee Telecommuting performance.

### **Eligibility Requirements**


1. All employees who wish to Telecommute must be employed with the City for at least six (6) months in a regular, continual, on-site capacity before requesting a Telecommuting arrangement and shall not be within their probationary period.
2. All employees who wish to Telecommute must possess a satisfactory performance record when they have exhibited the following in their work, as determined by their supervisor:
  - a. Demonstrated dependability and responsibility.
  - b. Effective communication with supervisors and coworkers.
  - c. Demonstrated motivation.
  - d. The ability to work independently.
  - e. A consistently high rate of productivity.
  - f. A high level of skill and knowledge of the job duties.
  - g. The ability to prioritize work effectively.
  - h. Good organizational and time management skills.
3. All employees who wish to Telecommute shall demonstrate that their job duties can be performed effectively at home or in a satellite location by discussing their job responsibilities with their supervisor. In general, an employee's position may be suitable for Telecommuting when the job duties:
  - a. Are independent in nature and can be accomplished without detrimental impact on the work group productivity.
  - b. Are primarily knowledge-based.
  - c. Lend themselves to measurable deliverables.
  - d. Do not require frequent in-person interactions at the regular site with supervisors, colleagues, clients, or the public.
  - e. Do not require the employee's immediate presence at the regular workspace to address unscheduled events unless alternative arrangements for coverage are possible.
  - f. Are not essential for on-site workflow or business operations.

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4. The supervisor shall determine if Telecommuting is suitable and shall only render a positive suitability determination if the supervisor assesses that service delivery quality will not be compromised as a result of the employee's shift to Telecommuting. This suitability determination shall be delivered to the employee in writing.

### **Enrollment Procedures**

1. Upon a finding by the employee's supervisor that the employee is eligible to Telecommute (in other words, after a positive suitability determination has been rendered as described above), the employee may begin the Telecommuting enrollment process as described.
2. The employee shall request a Telecommuting enrollment conference with their supervisor. The purpose of the Telecommuting enrollment conference is for the employee and the supervisor to discuss the details of the employee's specific Telecommuting arrangement.
3. At the Telecommuting enrollment conference, the employee and the supervisor shall discuss the terms and conditions of the employee's Telecommuting arrangement. At a minimum, the employee and the supervisor shall discuss and reach agreement on the following terms and conditions:
  - a. The length of time for which the Telecommuting arrangement shall apply.
  - b. The number of days each week and which specific days of the week if applicable that the employee will Telecommute. Note that long-term Telecommuting shall be limited to 2 days per 40-hour work week. Daily work hours while Telecommuting shall remain consistent with in-office work hours so that staff are available for coworker questions and/or requests.
  - c. The steps the employee will take to maintain a safe work environment at the Telecommuting site, protect any City property or equipment in the employee's possession, and safeguard any confidential work-related materials in the employee's possession.
  - d. The frequency and manner by which the employee shall be expected to communicate with their supervisor(s). Mutually preferred communication channels such as Microsoft Teams, Outlook, and telephone communication shall be discussed and determined.
  - e. The agreed upon performance indicators to measure the productivity of the employee while Telecommuting.
4. Upon successful agreement on these provisions, the employee shall complete a written Telecommuting Agreement outlining the terms and conditions of the employee's Telecommuting arrangement. The employee, the supervisor, and the appropriate

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Department Head shall review and sign this agreement and a copy of such agreement shall be retained by the employee, the supervisor, the Department Head, and the City's Human Resources department.

**Department Responsibilities:**

1. The Department shall adhere to all provisions of this policy. All supervisors involved in the application of this policy are responsible for reading, reviewing, and understanding all provisions of this policy.
2. All supervisors shall render suitability determinations as described in this guidance in a timely manner. All supervisors shall be available to answer any questions or respond to any concerns posed by employees.
3. The Department is under no obligation to accept any employee's request to Telecommute.
4. Supervisors may render negative suitability determinations if the supervisor determines that approving an employee's request to Telecommute would result in a reduction in service delivery quality as a result of the employee's shift from on-site work to Telecommuting.
5. At the Telecommuting enrollment conference described above, all supervisors shall negotiate the terms and conditions of the employee's written telecommuting agreement in good faith and shall endeavor to be flexible and accommodating of the employee's desires as they relate to the employee's proposed telecommuting arrangement.
6. The appropriate supervisor(s) or the City Manager may terminate an employee's Telecommuting arrangement at any time.
7. Telecommuting agreements will be reviewed at least annually to ensure the agreement continues to serve the best interests of the employee and City operations.

**Employee Responsibilities:**

1. While working remotely, all Telecommuting employees shall apply themselves to their work in the same manner as they would if working from the centralized worksite. Employees shall display the same level of professionalism and commitment to their job when working remotely as they do while working from the centralized worksite.
2. All Telecommuting employees shall abide by the terms and conditions outlined in the written Telecommuting agreement.
3. Violation of any provision of the written Telecommuting agreement shall be subject to appropriate disciplinary action up to and including termination.
4. If, at any point, a Telecommuting employee wishes to modify the terms and conditions of the written Telecommuting agreement, the employee shall submit a written request to


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their supervisor(s). The supervisor shall either approve or deny the request after determining whether the request is reasonable and in alignment with the provisions of this policy.

5. Any Telecommuting employee may terminate the Telecommuting arrangement at any time.
6. All Telecommuting employees shall abide by all City rules, policies, and procedures while working remotely. All Telecommuting employees are responsible for reading, reviewing, and understanding all provisions of this guidance.
7. All Telecommuting employees shall be responsible for maintaining a safe work environment at the Telecommute site, protecting any City property or equipment in their possession, and safeguarding any confidential work-related materials in their possession.
8. Employees working remotely may not engage in outside employment during the scheduled work hours.
9. If a job related injury occurs while working remotely, the employee must report the incident as soon as possible and follow all of the established procedures for reporting and investigating workplace incidents. The City is not responsible for injuries to third parties that occur in employees' homes or other remote locations.


#### **Technology:**

1. Employees shall at all times adhere to the instructions and direction from City information technology staff. Employees shall direct all technology-related questions or concerns to City information technology staff.
2. Employees shall only use devices approved by the City. Employees shall avoid using personal PCs whenever possible. If employees must use a personal PC, employees must ensure that they are working within the VOA environment.
3. Employees shall use virtual private networks (VPNs) only when necessary. VPNs, which provide secure direct connections to the City's computer network, may be necessary when accessing files, working with sensitive information, or using certain websites. However, employees shall only use VPNs as needed and shall disconnect as soon as they have completed the work requiring VPN use.
4. Employees shall only connect to trusted Wi-Fi networks and shall avoid public hotspots.
5. If employees are working from home on their home network (on work or personal devices), employees shall ensure that their home router is properly secured. Employees shall first make sure they change the router's factory-preset password. Failing to change the router's factory-preset password is ill-advised and leaves the employee's home

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network vulnerable to cybersecurity-related risks. Employees shall set their router encryption to WPA2 or WPA3. WEP is not sufficient.

6. Employees shall ensure that updates to all devices are being installed regularly. Patches for security vulnerabilities are essential for both work and personal devices. Employees shall set these updates to run automatically during non-working hours whenever possible.

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## Telecommuting Agreement

Telecommuting is a work arrangement available to City employees by agreement of the employee and management. It is not an employee benefit or entitlement. The City may change the requirements to telecommute at any time. You as the employee, referenced as “the employee” throughout this document, remain obligated to comply with all City of Hendersonville policies, rules, practices, instructions and this Acknowledgement.

**To participate in Telecommuting as described in the latest version of the Telecommuting Policy, the employee agrees to the following terms:**

- I will comply with all of the terms of the Telecommuting Policy.
- I understand that this Acknowledgement shall become effective on the date it is approved by the appropriate Supervisor and Department Head and shall remain in full force and in effect, as long as the employee is participating in Telecommuting.
- I understand that participation in Telecommuting may be ended at any time by either the employee or the City of Hendersonville.
- I understand that if the following changes occur: the employee moved to a different organizational unit or was placed in a different position and/or a supervisor change occurred, the existing Telecommuting Agreement is cancelled. The employee must follow the existing process to submit a new Telecommuting request.
- I understand that the employee’s compensation, benefits, work status and work responsibilities will not change due to participation in Telecommuting. The amount of time the employee is expected to work per day or pay period will not change as a result of participation in Telecommuting.
- I understand that the Fair Labor Standards Act in addition to the City of Hendersonville policies concerning overtime work apply to Telecommuting. Nonexempt employees must not work in excess of their scheduled hours without first obtaining supervisor approval and record all work time accurately.
- I understand that employee’s Telecommuting hours will conform to a schedule agreed upon by the employee and their supervisor. If such a schedule has not been agreed upon,




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the employee's work hours will be assumed to be the same as before the employee began Telecommuting.

- I understand that employee's Telecommuting work location must allow the employee to respond to issues that may require the employee to be present in the centralized office worksite within a reasonable amount of time.
- I understand that the City will only provide limited, specific equipment for the employee to perform current duties and the employee must follow the Telecommuting Policy when working remotely.
- I understand that the use of equipment, software, data supplies and furniture, when provided by the City, is for use at the remote work location and is limited to authorized persons and for purposes relating to City business only. The City will provide for repairs to City equipment.
- I understand and agree to not disclose confidential or private files, records, materials, or information, and will not allow access to City networks or databases to anyone who is not authorized to have access.
- I understand that the City will not provide internet service and it will be the employee's responsibility to procure and pay for internet service if it is needed in order to work productively from a workspace.
- I understand that the equipment and supplies provided by Employer will include the minimum required equipment and supplies to enable the employee to Telecommute. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's manager.
- I understand that the employee shall designate a workspace within the remote work location for placement and installation of equipment to be used while Telecommuting. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment.
- I understand that I must return all of the City's equipment to the City when my Telecommuting ends. I am responsible for any equipment that is lost while I am Telecommuting. I also understand that the City will exercise all of its legal rights if I fail to



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return equipment. I understand that if legal action is required to regain possession of City-owned equipment, software, or supplies, the City may pursue claims against me to the fullest extent allowed by law.

- I understand that the employee is a covered worker under the Workers' Compensation Act and the City provides coverage as detailed in the Act.
- I understand that the City is not liable for loss, destruction, or injury that may occur in or to the employee's designated workspace. This includes family members, visitors, or others that may become injured within or around the employee's designated workspace.
- I understand that it will be the employee's responsibility to determine any income tax implications of maintaining a home office area. The City will not provide tax guidance, nor will the City assume any additional tax liabilities.
- I understand that the employee must be available by phone, email and/or IT supported technology (i.e. MS Teams, etc.) during agreed upon working hours and will be available for staff meetings and other meetings deemed necessary by management.
- I understand and agree to participate in all studies, surveys, inquiries, reports and analyses relating to this program.
- I understand that the employee shall be subject to appropriate disciplinary action up to and including termination for any violation of any provision of this policy.

Employee \_\_\_\_\_ Date \_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Department Head \_\_\_\_\_ Date \_\_\_\_\_