



Board of County Commissioners - Staff Report

Meeting Date: 08/30/2022

Presenter: Alyssa Watkins

Submitting Dept: Administration

Subject: Consideration of Amendments to Teton County Human Resources Policy Manual - Policy 4-17, Telework

Statement / Purpose:

To consider changes to policy 4-17, Telework.

Background / Description (Pros & Cons):

Only December 13, 2021, the Teton County Board of County Commissioners (BCC) approved an amended version of the 2020 edition of the Teton County Human Resources Policy Manual. A notable change in the amended manual was the addition of flexible scheduling options for county employees, including the option to telework up to one (1) day per week. The Policy Committee chose a narrow application of telework to begin in order to ensure it would be successful for the organization. Having operated under the new policies for approximately seven months and facing increasing challenges in recruitment and retention, in July, 2022, County Department Directors requested the Policy Committee meet near-term to consider expansion of the telework policy. The policy committee met on August 11, 2022 to consider the request.

Before the BCC today is the Policy Committee’s recommended edits to the telework policy. The edits do the following:

- Allow for true hybrid scheduling by expanding the telework opportunity to up to three (3) days per week for eligible employees
- Set clearer expectations regarding required availability for telephone and electronic communications while teleworking
- Allow for policy application to both exempt and non-exempt employees

The relevant portions of the policy are excerpted in redline below:

4-17 TELEWORK

Due to the nature of public service, Teton County does not support the use of full-time teleworking. However, Teton County does recognize the value of flexibility for employees and the efficiencies, cost savings, and support for Continuity of Operations (COOP) associated with telework. For these reasons, for eligible positions, telework may be approved for up to three (3) full days in an employee’s five-day work week. This allowance applies to both non-exempt and exempt employees under the following parameters.

(portions of the policy unchanged are omitted)

b. Employee Responsibilities:

- i. Employees are responsible for establishing and providing home internet for the purposes of telework. Internet service must be of sufficient speed to support all work-related applications, systems and devices. Failure to meet this obligation may lead to cancellation of the Telework Agreement.
- ii. Employees must be available at the alternate work location for telephone and electronic communications. Employees are responsible for providing a phone at the alternate work location that they can be reached at and receive messages on and must forward their desk phone to this number during all telework hours. Additionally, all teleworking employees must set up their Teton County voicemail system to deliver voice messages to their Outlook inbox. Teleworking employees must also be available on the appropriate messaging platform (e.g., Teams, Google, etc.), as designated by their Department Director or Elected Official, for the duration of all telework hours.



Board of County Commissioners - Staff Report

iii. Employees are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in cancellation of the Telework Agreement or disciplinary action.

iv. Teton County claims no responsibility for potential personal costs associated with utilizing an alternate work location, to include telephone and internet service. Teleworkers are responsible for purchasing personal insurance for the alternate work location, employee-owned furniture, supplies and equipment. Teton County is not responsible for any loss or damage to any employee-owned equipment. Teleworkers must remit any insurance payments received for claims on County-owned items to Teton County. If the teleworker has not purchased sufficient coverage or insurance does not cover any County-owned items, the teleworker will be personally responsible for reimbursing Teton County for the cost of the lost or damaged items.

Stakeholder Analysis & Involvement:

The County's Department Directors met to formalize a request that the Policy Committee consider these changes. The 2021 Policy Committee met and discussed these changes – committee members who could not attend shared thoughts with the group in advance. The changes are supported by both groups.

Fiscal Impact:

There is no direct fiscal impact to the County as a result of the policy changes proposed. However, increased telework utilization could result in additional costs related to the hardware and software needed to support telework (e.g., laptop computers, VPN access, etc.).

Staff Impact:

There is general agreement that the impact to staff of expanding elective telework policies is highly positive. The expansion of telework parameters is expected to have a positive impact on staff recruitment and retention.

Legal Review:

Gingery

Staff Input / Recommendation:

Staff recommends approving the redline changes as proposed.

Attachments:

Teton County Human Resources Policy Manual - Policy 4-17, Telework

Suggested Motion:

I move to approve the redline changes to policy 4-17, Telework, of the current Teton County Human Resources Policy Manual.

4-17 TELEWORK

Due to the nature of public service, Teton County does not support the use of full-time teleworking. However, Teton County does recognize the value of flexibility for employees and the efficiencies, cost savings, and support for Continuity of Operations (COOP) associated with telework. For these reasons, for eligible positions, telework may be approved for up to one (1) full day in an employee's work week.

Telework Agreements may be approved under the following conditions and permit employees in designated positions to perform their job duties away from their primary work location in accordance with the established Telework Agreement. Eligibility is determined at the sole discretion of the Department Director or Elected Official, with no implied or specific right to participation granted to an employee. As such, telework is a management option and not a universal employee benefit or right. Telework is not suitable for all positions. Selection of eligible positions shall be based on specific, work-related criteria.

Conditions of Approval:

- a. Telework shall meet the business needs of the organization, as well as the business needs of the specific Office, Department, or Division.
- b. Telework Agreements shall be approved by the Department Director or Elected Official. Department Director approvals shall be forwarded to the BCC Administrator for review.
- c. In evaluating the appropriateness of a position for telework, the Department Director or Elected Official shall consider the following:
 - i. The extent to which the position requires in-person contact with the public
 - ii. The extent to which the position requires in-person contact with other employees
 - iii. The extent to which the position requires in-person attendance at meetings or other on-site events
 - iv. The extent to which the position requires in-person access to County-based equipment, resources, materials, or property
 - v. Whether or not the employee has materials, resources, etc. available to support telework
 - vi. The extent to which the position requires work in the field
 - vii. Whether or not the position is tasked with direct supervisor of other on-site employees
 - viii. The extent to which the position requires direct supervision
 - ix. The extent to which the position schedule can accommodate a telework opportunity
 - x. Whether or not the confidentiality of work can be maintained in a

telework setting

- d. Telework may be combined with an alternative schedule but may not be combined with a compressed schedule
- e. In extenuating circumstances or emergency events, short-term telework may be considered by the Department Director or Elected Official for employees not on a telework agreement but who have the materials, resources, etc. available to support telework, are not bound by other obligations related to the extenuating circumstances or emergency event (e.g., childcare obligations), and can be appropriately supervised away from the primary work location.
- f. Telework may be rescinded on any day when on-site presence is required for meetings, customer service, etc.
- g. No in-person meetings may be held at the Alternate Work Location
- h. The Alternate Work Location must be identified and approved as part of the Telework Agreement. Work from alternative work sites, other than the Alternate Work Location, must be pre-approved.
- i. If a power or internet outage occurs at the remote work location and extends past two hours, the employee must notify their supervisor and may be required to return to their primary work location or use leave for hours not worked
- j. Dependent Care. Teleworking is not designed to be a replacement for appropriate dependent (child or adult) care. Although an individual employee's schedule may be modified to accommodate dependent care needs, the focus of the telework arrangement must remain on job performance and meeting business demands. Employees are encouraged to discuss expectations of teleworking with family members. Appropriate dependent care must be arranged for during periods of telework.
- k. Employees must provide internet service at the remote location. Internet service must be of sufficient speed to support all work-related programs, applications, systems, and devices. Potential costs associated with maintaining the remote work location, including telephone and internet connectivity, insurance, etc. must be borne by the employee.
- l. The Telework Agreement is not an employment contract and may be cancelled by Teton County at any time. Teton County has the right to instruct the employee to resume work at the Primary Work Site at any time.
- m. Employees must maintain satisfactory job performance at all times while on a Telework Agreement
- n. At a minimum, Telework Agreements shall be reviewed annually as a part of an employee's performance review.
- o. Conditions of Telework. An employee's duties, responsibilities, schedule, and status of employment while teleworking remain the same as if the employee was working at his or her primary work location. Employee salary and benefits shall not change as a result of telework. The employee shall be responsible for the security and confidentiality of data as well as the protection of County-provided equipment used or accessed during telework. The employee shall maintain a clean, safe workstation. The

employee shall continue to comply with federal, state, and County laws, policies, and regulations while working at an alternate work location. The employee shall remain subject to all Teton County disciplinary policies and procedures while performing work at the alternate location.

- p. On-site Visits. An alternate work location visit during scheduled telework hours may be conducted in consultation with the Human Resources Department and County and Prosecuting Attorney's Office. To ensure the safety of all employees, the visit will be conducted by one Human Resources representative and one Department or Elected Office representative. In no instance shall an alternate work location visit be conducted by only one Teton County representative. An alternate work location visit does not require advanced notice to the employee.
- q. Meetings. In-person business meetings or any other Teton County business which involves interaction with other people including, but not limited to, employees, co-workers, clients, customers, licensees, providers, or other County employees, may not be conducted at the employee's alternate work location. The supervisor will determine in-person versus virtual meeting attendance requirements.
- r. Telework Hours. Telework hours are specified as a part of the Telework Agreement. Employees must be reachable by customers, co-workers, managers, supervisors, and Teton County leadership during agreed-upon hours with standard provisions for allowable breaks.
- s. Policies. Teleworkers are subject to the same policies as non-teleworking employees. Work Schedule Adjustments. Any changes to the work schedule due to flextime, overtime, or other situations must be pre-approved by the teleworker's supervisor.
- t. Commute Time. Normal scheduled commute time between an alternate work location and the primary work location is not work time and is not subject to mileage reimbursement. Non-scheduled commute time to the primary work location due to same-day management request is work time, but not subject to mileage reimbursement.
- u. Operating Costs. Teton County assumes no responsibility for any operating costs associated with an employee using their personal residence or other location as an alternate work location. This includes, but is not limited to, home maintenance or modification, furniture, telephone and internet connectivity, insurance, or utilities.
- v. Injury. Teton County does not assume responsibility for any injuries or property damage to/from family members, animals, visitors, or other guests at the employee's alternate work location.
- w. Workers' Compensation. An employee is covered by Workers' Compensation laws while acting in the course and scope of employment while in telework status. The employee's designated alternate work location is considered an extension of Teton County workspace only during scheduled teleworking hours for purposes of workers' compensation. Any injury that occurs within the course and scope of employment must be reported to the supervisor immediately, using Teton

County's standard workplace injury reporting process. If an agency representative visiting the alternate work location on County business is injured, the injury may be covered by Workers' Compensation. If an employee chooses to work from a location other than their specified alternate work location(s) set forth in their Telework Agreement, Teton County Workers' Compensation will not apply to that location and the employee will assume sole responsibility for any and all liabilities and risks associated with working at such location.

- x. Inclement Weather. Any employee with a signed Telework Agreement is expected to work on a day with a delay, early release, or closure due to weather. If an employee is typically able to telework but unable to do so due to closure-related limitations, such as dependent care, the employee is expected to use annual leave.
- y. Closure of Teton County Facility. If an agency facility is closed due to a natural, health, or human-caused emergency, any employee with a signed Telework Agreement is expected to telework. If an employee is typically able to telework but unable to do so due to closure-related limitations, such as dependent care, the employee is expected to use annual leave.
- z. Information Technology Security Requirements. Employees must comply with Teton County security procedures and ensure adequate security measures are in place to protect the equipment and information housed or stored on assigned computers at their alternate work location. Failure to comply with security procedures and regulations may be grounds for disciplinary action.
 - aa. Data Privacy. The teleworker shall be responsible for the security and confidentiality of data as well as the protection of Teton County-provided equipment used or accessed during telework. Any perceived threats, phishing attempts, or other data breaches must be reported to the Information Technology Division. Employee-owned computer equipment is not authorized to be used for teleworking.
 - bb. Privacy and Security. Employees must arrange with their supervisors regarding any necessary access to confidential or sensitive information while working at an alternate work location. Employees are responsible for protecting the privacy and confidentiality of data and information at their alternate work location, which includes compliance with IT policies.

Employee Responsibilities:

1. Employees are responsible for establishing and providing home internet for the purposes of telework. Internet service must be of sufficient speed to support all work-related applications, systems and devices. Failure to meet this obligation may lead to cancellation of the Telework Agreement.
2. Employees are responsible for maintaining satisfactory work performance. Declining or unsatisfactory work performance may result in cancellation of the Telework Agreement or disciplinary action.

3. Teton County claims no responsibility for potential personal costs associated with utilizing an alternate work location. Teleworkers are responsible for purchasing personal insurance for the alternate work location, employee-owned furniture, supplies and equipment. Teton County is not responsible for any loss or damage to any employee-owned equipment. Teleworkers must remit any insurance payments received for claims on County-owned items to Teton County. If the teleworker has not purchased sufficient coverage or insurance does not cover any County-owned items, the teleworker will be personally responsible for reimbursing Teton County for the cost of the lost or damaged items.