

# CITY OF SANTA BARBARA FLEXWORK POLICY

## Introduction

The City of Santa Barbara (the City) recognizes that rapid technological advances, regional housing and traffic changes, and employee work/life needs have changed the traditional work environment. It is increasingly possible and mutually beneficial, for both the City and its employees, to allow some work to be accomplished at off-site locations and/or during non-standard operating hours. The term "flexworking" includes any combination of telecommuting, compressed workweeks, and flexible scheduling options.

- Telecommuting is defined as working at a location other than the traditional office.
- Compressed workweek allows employees to work a 40 hour workweek in less than the traditional number of days.
- Flexible schedules allow employees to begin their workday earlier or later than currently defined.

The City supports Flexwork as an innovative solution to attract and retain a diverse and talented work force, reduce costs, encourage affordable traffic mitigation, improve productivity among employees, better address work and family demands, and further the goals of local, state, and national policies and regulations.

## Purpose

1. This policy provides guidelines and procedures to staff in the application of flexwork options. A standard procedure has been developed to analyze requests for flexwork to allow employees to meet professional goals, with greater personal freedom, in a manner consistent with the operational needs of the City.

## Employee Flexwork Policies

2. Departments are allowed to implement flexworking arrangements, where appropriate, for eligible employees in recognition of the positive personal and management impacts of such arrangements.
3. Flexwork is a management option, not an employee benefit or entitlement. Flexworking is not appropriate for all employees and an employee's participation is strictly voluntary. All arrangements must meet the criteria in this policy and may be terminated at any time by either the employee or the immediate supervisor
4. The policies and procedures that normally apply to the workplace shall remain the same for flexworking employees.
5. Work products developed or produced by the employee while flex working are the property of the City.
6. Benefits, salaries, compensation, and leave scheduling will not be changed as a result of participating in a Flexwork schedule and will continue to be governed by applicable City policies.
7. Requests to work overtime or use leave time must be approved, in writing, in advance by the employee's supervisor/manager.
8. The employee's flex working hours will conform to a schedule agreed upon by the

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employee and their supervisor/manager. The schedule and methods for communication between the Flexworker and supervisor/manager will be mutually agreed upon and included in the Flexwork application.

9. If sick or unable to work due to personal needs while flex working, the employee will take leave or arrange alternate work hours with their supervisor/manager for hours not worked.
10. The supervisor/manager will approve which, if any, City and employee owned equipment will be used during a flexworking arrangement. Supervisors should consult with their technology representatives in advance if an employee requires remote access or technology support in order to telecommute. Expenses for telecommuting agreements require the approval of the department head.
11. After an employee begins a flexwork arrangement, supervisors should conduct periodic reviews with the employee to evaluate the success of the arrangement. A set procedure and schedule for regular communication between a telecommuting employee, staff and customers should be identified in the telecommuting agreement. Supervisors may also outline specific job assignments and expectations of the telecommuting employee.
12. This policy applies to voluntary telecommuting. The policy does not apply in situations related to telecommuting offered as a result of providing reasonable accommodation for qualified individuals with a disability.

### **Employee Flexwork Participation Criteria**

1. The employee's continued participation in the Flexwork schedule is contingent upon acceptable performance standards as determined by the supervisor/manager.
2. Failure to comply with any employee Flexwork policies, participation criteria, City rules or practices may result in the termination of the employee's participation in the Flexwork program
3. Flex working is not a substitute for any home-care arrangements (childcare, eldercare, etc.). The employee must arrange with a supervisor to take approved leave of absence under City leave of absence policies if the employee must act as a primary caregiver on scheduled work time.
4. All flex workers must have the support of their supervisors/managers.
5. An employee must have completed, submitted and received approval of the Flexwork Application.
6. Various job classes, represented and non-represented, may participate in the program.

### **Procedures for Employee Participation**

An employee may request a Flexwork schedule by submitting a Flexwork Application. All requests will be subject to the operational needs of the department. The employee will include the following in the Flexwork request:

1. The Flexwork Application which covers work-hours, work-locations, communication strategies, reporting requirements, and other Flexwork tasks, expectations and

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responsibilities.

2. The Flexwork Application must be submitted to the employee's supervisor/manager and given final approval by the department head.
3. If an employee's request to Flexwork is denied and the employee disagrees with the decision they shall first discuss their concerns and the decision with the supervisor/manager. An employee dissatisfied with his/her supervisor/manager's response may request a review of the decision by the department head whose decision shall be final. The denial of a request to Flexwork is not a grievable issue.

### **Program Continuation and Renewal**

A supervisor/manager will perform a periodic review of a flex working employee's performance. If the supervisor/manager deems that the program has adversely affected the employee's work performance or the program's operations, the supervisor/manager may discontinue the employee's participation. Flex working is not a grievable issue.

### **Equipment, Office Supplies, Work Environment**

1. Employees will often use employee owned equipment that must conform to all of the items in the Data Access and Security section of this document. In some instances, employees may use City owned equipment. This will be decided upon at the time the Flexwork agreement is executed.
2. Increased City liability, including occupational safety and health exposures and workers' compensation issues shall be closely reviewed by management prior to granting a Flexwork request.
3. When City equipment is provided to the employee, the employee is responsible for ensuring that the equipment is properly used, maintained, and safely secured when not in use. City equipment shall only be used by the employee. No other person including but not limited to family members or household guests may use City equipment for any reason.
4. Employees shall designate a work space for installation of necessary equipment. This work space shall be maintained in a safe condition, free from hazards and other dangers to the employee and equipment.
5. When the employee uses personal equipment, software, data, supplies, and furniture for City business, the employee is responsible for maintenance and repair of these items.
6. The City assumes no responsibility for any damage to, depreciation to, or loss of the employee's personal property.
7. The employee shall immediately return City equipment, records, and materials, upon request and/or termination of the Flexwork Agreement. The employee may be responsible for any costs necessary to return, repair, or replace City property.
8. If the employee is unable to meet work obligations due to equipment issues, the employee agrees to notify his/her supervisor/manager and may be required to travel to the workplace to perform his/her job functions until the issues have been resolved.

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9. The employee agrees to immediately report to his/her supervisor/manager any incident that results in loss or damage to City property, or known unauthorized access.
10. The employee's personal vehicle shall not be used for City business unless specifically authorized by the supervisor/manager. Any authorized use of the employee's personal vehicle for City business must comply with all City rules, policies, practices and instructions that would apply if the employee were working at the regular worksite.
11. The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

**Occupational Safety and Health at the Flexworking Site**

1. The employee agrees to set aside a designated work space for flexworking purposes. The employee shall maintain safe work conditions in the flexworking work space. The employee shall practice the same safe work habits in the designated flexworking location as he/she would in his/her office on City premises.
2. The City may make on-site visits to the flexworking location to determine that the work site is safe and free from hazards and/or to maintain, repair, inspect or retrieve City owned equipment, software, data and supplies.
3. Flexworking does not change the reporting requirements for an industrial injury as described in the Injury and Illness Prevention Program. In the case of an industrial injury while flexworking, the employee shall immediately report the injury to his/her supervisor/manager and follow appropriate documentation procedures. The supervisor/manager shall instruct the employee where he/she must obtain any required medical treatment.

**Legal and Tax Implications**

1. Individual tax implications related to the flexworking location shall be the responsibility of the telecommuter. The employee is advised to consult a tax expert.

**Data Access and Security**

1. Information Technology is responsible for and places a high priority on enforcing security on all hardware and software.
2. Authorization to access City computers remotely will rest with the department head and be implemented through Information Technology.
3. The employee will comply with all copyright and licensing agreements for all City owned software.
4. Restricted-access materials, such as payroll records, personnel files, or other confidential documents will not be taken to the flexworking location without the written consent of the employee's supervisor/manager. The ability to access such data remotely is governed by the level of access provided in the Flexwork Agreement under "Department database, system and e-mail access."
5. The employee will maintain data security and record confidentiality in accordance with all applicable City procedures.

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6. All computer equipment should be protected at all times. The employee is required to lock work stations when not in use, activate a password protected screen saver, and secure account information when left unattended.
7. Avoid using software from sources which do not take proper precautions against computer viruses.
8. Access to City computers and computer networks from remote, non-City locations must be protected against unauthorized use. Some examples of unauthorized use are:
  - Copying any City owned or City licensed software onto a non-City owned computer.
  - Using City owned resources for profit.
  - Copying non-licensed software onto City owned equipment, or infecting City owned equipment or software with a virus.
9. If the employee uses a computer workstation owned by the employee or the City, the employee agrees to take reasonable steps regarding data security including:
  - Keeping security configurations up to date to protect the workstation from intrusions.
  - Ensuring communication between the workstation and City is appropriately secure. The employee should consult with the City's workstation support staff.
  - The employee agrees to maintain an up-to-date vendor Operating System by installing updates as they are released.
  - The employee must have anti-virus software installed on his/her computer regardless of ownership. The anti-virus software should be set up to automatically receive updates as they are released by the software vendor.