



CITY OF BIRMINGHAM, AL
HUMAN RESOURCES POLICY

Effective: **May 26, 2020**

SECTION	SUBJECT
	CITY OF BIRMINGHAM TELEWORKING POLICY PILOT PROGRAM

PURPOSE

Teleworking is an arrangement that allows eligible City of Birmingham employees to work in a designated area outside the office. Teleworking is a cooperative arrangement between City employees, supervisors, and departments.

It should be noted that our culture remains one where building and maintaining relationships through face-to-face interaction with the people we lead and serve is important. Teleworking is a privilege, not a right.

This Teleworking Policy Pilot Program applies citywide until August 31, 2020 and is offered as a result of COVID-19. Department directors are strongly encouraged to recommend teleworking for all eligible employees who have issues as a direct result of COVID-19.

On or before August 31, 2020, the City will evaluate this Teleworking Pilot program to determine if the City will adopt a permanent Teleworking Policy.

Please note: Some of the criteria and processes contained within this policy may be adjusted or amended as needed as circumstances related to COVID-19 evolve and change, or as operational needs demand.

POLICY

All City employees who telework must have an approved teleworking agreement under this policy. A City department may have additional teleworking requirements, guidelines, or procedures, provided they are consistent with the intent of this program. Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Teleworking employees must comply with all City rules, policies, practices, and instructions.

A teleworking employee must perform work during scheduled teleworking hours. Employees may not engage in activities while teleworking that would not be permitted at the regular worksite. The focus of the arrangement must remain on job performance and meet business demands.

Teleworking employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. However, in accordance with Department of Labor guidance, the City department should allow flexible scheduling to allow the employee to complete eight hours of work during the day.

Employees must be approved for teleworking prior to beginning a teleworking assignment. The employee will complete a Telework Plan and Agreement Form as outlined in the Agreement Options section. It should be noted that the request for teleworking may be modified from the initial request based on business needs. The department director, the director of Human Resources or the chief of staff may deny, end, or modify a teleworking agreement for any business reason that is not arbitrary or capricious. Similarly, a teleworking employee may end or request to change a teleworking agreement at any time. Employees may be removed from the Teleworking Program if they do not comply with the terms of their teleworking agreements.

The Teleworking Policy and Program is intended to be cost neutral. The City is not required to provide teleworking employees with materials or supplies needed to establish an alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at an alternate worksite (telephone or internet services, etc.). Departments have the discretion, with the consent of the IMS director, to provide equipment, software, or supplies, or allow employees to use their personal equipment while teleworking. Departments providing equipment, software, or other supplies to teleworking employees must reasonably allocate those resources based on operational and workload needs. All City rules regarding the use of computers and the internet apply while an employee is teleworking, regardless of whether the employee is using City-provided or personal equipment.

ELIGIBILITY

Eligibility for teleworking is based on both the position and the employee. Not every job, or every employee, is well-suited for teleworking.

A. Position eligibility

An employee's position may be suitable for teleworking when the job duties:

- Are independent in nature
- Are primarily knowledge-based
- Lend themselves to measurable deliverables
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, clients, or the public, in person or by phone
- Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible
- Are not essential to the management of on-site workflow.

B. Employee Eligibility

Employees may be suitable for teleworking when their personal characteristics, as determined by the supervisor, include:

- Must have been employed for at least one year (not in a probationary or training period)
- Must have an identified and appropriate work space
- Demonstrated dependability and responsibility
- Effective communication with supervisors, coworkers, and clients
- Demonstrated motivation

- The ability to work independently
- A consistently high rate of productivity
- A high level of skill and knowledge of the job
- The ability to prioritize work effectively
- Good organizational and time management skills.

Employees who are not upholding City obligations, such as meeting performance or conduct expectations, may not be eligible to telework.

AGREEMENT OPTIONS

Teleworking agreements can be on a regular and recurring, or an occasional basis. Regular and recurring means an employee works away from the regular worksite on an established day or days, and on a recurring schedule.

Employees who telework on a regular and recurring basis must be available to work at the regular worksite on teleworking days, if needed. Conversely, occasional requests by employees to change their regularly scheduled telework days should be accommodated by the supervisor, if possible. Employees must obtain prior authorization to change a regularly scheduled telework day.

Occasional teleworking means an employee works away from the office on an infrequent, one-time, or irregular basis. This option provides an ideal arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria. All teleworking agreements are subject to the approval of the Director of Human Resources and the Chief of Staff. All incomplete teleworking agreements will be denied.

For consideration for a teleworking assignment, the employee must complete the Telework Plan and Agreement and turn it in to their direct supervisor. A copy of the Telework Agreement can be found at <https://www.birminghamal.gov/wp-content/uploads/2020/05/Telework-Agreement.pdf>. A copy of the Telework Plan can be found at <https://www.birminghamal.gov/wp-content/uploads/2020/05/Telework-Plan.pdf>. The supervisor is to submit the form to the department director within three (3) business days. The director of the department will review the request. If the request is not approved, the director will communicate the status in writing to the supervisor and the employee within three (3) business days. If the director approves the form, within three (3) business days, the form should be sent to the director of Human Resources. The director of Human Resources and chief of staff will review the form for final approval. **The employee may not begin the teleworking assignment until approval is given by the director of Human Resources and the chief of staff.**

WORK HOURS

All the rules applicable at the regular worksite are applicable while teleworking. That is:

- Teleworking employees must perform designated work during scheduled work hours

- Employees must account for and report time spent teleworking the same way they would at the regular worksite, or according to the terms of the teleworking agreement
 - Time accounting should be included in the teleworking agreement
- Employees may work overtime only when directed to do so and approved in advance by the supervisor
- Employees must obtain approval to use vacation or sick, or other leave in the same manner as departmental employees who do not telework
- Teleworking employees who become ill must report the hours worked and use sick leave for hours not worked
- Teleworking employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked and submit to their supervisor or payroll coordinator. Hours worked in excess of those scheduled per day and per workweek will require the advance approval of the teleworking employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the teleworking agreement.

WEEKLY REPORTS

All teleworking employees must submit a weekly report by 5 p.m. each Friday of the hours, including the specific beginning and ending times, worked while teleworking as well as a summary of the projects completed during the work week. The department director must complete and submit to HR, the Telework Weekly Status Report, which verifies the employee's work completed and hours worked. The form should be submitted along with the teleworking employee's report by Monday at 12 p.m. following any week an employee has performed telework. A copy of the Telework Weekly Status Report can be found at <https://www.birminghamal.gov/wp-content/uploads/2020/05/Telework-Weekly-Status-Report.pdf>.

WORKSITE

A teleworking employee must designate a work area suitable for performing official business. The employee must perform work in the designated area when teleworking. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed and may be determined by the department.

Teleworking employees must work in an environment that allows them to perform their duties safely and efficiently. The City and/or department may request photographs of the employee's designated work area, if deemed necessary, due to a matter of health or safety.

Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours. Employees who suffer a work-related injury or illness while teleworking must notify their supervisor and complete any required forms immediately. The City is not liable for damages to an employee's personal or real property while the employee is working at an alternate worksite.

EQUIPMENT AND SUPPLIES

A teleworking employee must identify the equipment, software, supplies, and support required to successfully work at an alternate location and must specify those items in the telework request and agreement form. If the department does not provide the needed equipment, software, supplies, or support, and the employee does not have them, the employee will not be eligible to telework.

A. City Equipment

Equipment, software, or supplies provided by the City are for City business only.

A teleworking employee does not obtain any rights to City equipment, software, or supplies provided in connection with teleworking. The employee must immediately return all City equipment, software, and supplies at the conclusion of the teleworking arrangement or at the department's request.

A teleworking employee must protect City equipment, software, and supplies from possible theft, loss, and damage. The teleworking employee may be liable for replacement or repair of the equipment, software, or supplies in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.

Any equipment, software, files, and databases provided by the City shall remain the property of the City. A teleworking employee must adhere to all software copyright laws and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior written approval.

B. Personal Equipment

Employees who use their personal equipment for teleworking are responsible for the installation, repair, and maintenance of the equipment. Teleworking employees agree to the use of his/her personal internet or Wi-Fi services for connectivity.

Teleworking employees must understand and agree that the City is entitled to, and may access any personal equipment used while teleworking, such as a personal computer, telephone, fax machine, monthly bills, and internet records, if deemed necessary, for a legitimate purpose.

Employees must contact their supervisors if equipment, connectivity, or other supply problems prevent them from working while teleworking.

SECURITY OF CONFIDENTIAL INFORMATION

All files, records, papers, or other materials created while teleworking are City property. Teleworking employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A department may require employees to work in private locations when handling confidential or sensitive material.

Departments may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.

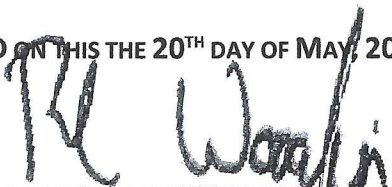
Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to City networks or databases to anyone who is not authorized to have access.

SUNSHINE LAWS

The Alabama Public Records Act regarding public information and public records applies to teleworking employees. Public records include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristic. Public information means the contents of a public record. Upon receipt of an appropriate request, and subject to authorized exemptions, a teleworking employee must permit inspection and examination of any public record or public information in the employee's custody, or any segregable portion of a public record, within required time limits. This requirement exists regardless of where the public record is located.

The adoption of this policy supersedes any and all prior personnel policies, resolutions or executive orders that conflict with the provisions herein.

APPROVED ON THIS THE 20TH DAY OF MAY, 2020.



RANDALL L. WOODFIN, MAYOR