

Personnel Rule 9.2 - Telecommuting

9.2.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 4.20.230 and subsequent revisions thereto, Overtime work defined.

SMC 4.20.240 and subsequent revisions thereto, Overtime work—When authorized.

SMC 4.20.250 and subsequent revisions thereto, Overtime work—Rates of pay.

City of Seattle Ordinance #117503 An ordinance adopting a policy under which City employees may telecommute.

RCW 70.94.531 Transportation demand management, Requirements for employers.

29 CFR 790 General Statement as to the Effect of the Portal to Portal Act of 1947 on the Fair Labor Standards Act of 1938

9.2.1 Definitions

- A. "Alternative worksite" shall mean a location where the telecommuting employee's work is performed other than the primary worksite. The alternative worksite may be located either at the employee's home or at a site other than the employing unit's primary worksite.
- B. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
- C. "Core work hours" shall mean a designated period of time during the employee's workweek when he or she is expected to be working and available in person or via the telephone or computer unless the employee is on approved leave.
- D. "Employing unit" shall mean any department of the City and, within the Executive and Legislative Departments, any office created by ordinance.
- E. "Hourly employee" shall mean an employee who is compensated on an hourly basis for each hour of work performed, including time worked beyond 40 hours in a workweek.
- F. "Primary worksite" shall mean the City office, shop, or other facility that is owned, leased, or under the City of Seattle's direct control where the employee is regularly assigned to perform the work associated with his or her job.
- G. "Regularly appointed employee" shall mean an individual with a probationary, regular or exempt appointment to a position of City employment.

- H. "Telecommuting" shall mean an arrangement in which the employee's job duties may be performed at an alternative location, such as the employee's residence or a satellite office located closer to the employee's residence than the worksite where the employee is regularly assigned.
- I. "Telecommuting agreement" shall mean a written agreement between an employee who wishes to telecommute and his or her appointing authority that describes the conditions and expectations of the telecommuting arrangement. At minimum, the telecommuting agreement shall include an inventory of materials and equipment provided by the employing unit, if any; productivity expectations; scheduled work hours; and an outline of the process by which City-owned equipment, if any, shall be returned to the employing unit's place of business upon termination of the telecommuting arrangement. The telecommuting agreement must be reviewed and renewed at least annually for the duration of the telecommuting arrangement.

9.2.2 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes employment provisions that conflict with this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

9.2.3 Purpose

Telecommuting may be implemented as a practical work management alternative when it benefits the City of Seattle in 1 or more of the following ways:

- A. Improves employee effectiveness, productivity and morale;
- B. Maximizes utilization of City of Seattle office facilities;
- C. Reduces absenteeism;
- D. Promotes employee health and wellness;
- E. Improves employee recruitment and retention;
- F. Improves air quality and reduce traffic congestion;
- G. Enhances the working life and opportunities of persons with disabilities; and
- H. Other reasons as defined by the appointing authority.

9.2.4 Request and Approval

- A. An employee may request, and the appointing authority may approve, telecommuting work arrangements when the appointing authority determines that the employee's work can be effectively carried out and accounted for under such conditions. Terms and conditions of individual telecommuting arrangements shall be set forth in completed and signed telecommuting agreements.
- B. The appointing authority shall make the determination, not subject to review or appeal, as to the suitability of the employee's work to a telecommuting arrangement. The appointing authority may authorize a telecommuting arrangement when he or she determines it to be a feasible work option. A change in any one of these elements shall require another review of the feasibility of the telecommuting arrangement. Factors that the appointing authority may, but is not obligated to, use in evaluating a telecommuting arrangement, are the following:
 - 1. Impacts on customers and other employees;
 - 2. Employee's demonstrated ability to maintain quality, quantity, and timeliness of service or product;
 - 3. Whether or not there exists a good working relationship between the supervisor and employee.
 - 4. Whether or not the employee's job consists of tasks that can be effectively accomplished without the resources of the primary worksite immediately accessible to the employee;
 - 5. Whether or not the alternative worksite meets essential workplace safety standards and is generally free from excess distractions during the employee's designated work hours; and
 - 6. Whether the location of proposed alternative worksite provides for convenient access to the employee's supervisor or management representative.

9.2.5 Work Hours

- A. An hourly employee's core work hours must be authorized by his or her supervisor and may only be changed with the supervisor's prior approval.
- B. An hourly employee may not work more than his or her scheduled hours without the explicit prior approval of his or her supervisor. Hourly employees may be disciplined for working unauthorized overtime. It is the responsibility of the supervisor to avoid contacting, or allowing co-workers or customers to contact, the employee outside of his or her scheduled work hours. Work-related contact with the employee is compensable time whenever it occurs.
- C. Unless the employee is on pre-approved leave time, the employee shall be available for communication with his or her supervisor or delegated management representative by telephone or computer as directed during his or her designated core work hours.

9.2.6 Working Conditions

- A. Telecommuting arrangements shall have no effect on compensation, benefits, job responsibilities, leave accrual, or other terms of employment.
- B. The employee shall be covered by the City's workers' compensation plan for all job-related injuries or illnesses occurring at the alternative worksite during the employee's defined work period. If an employee has incurred a work-related injury while telecommuting, the employee shall notify his or her supervisor immediately and complete all necessary documents concerning the injury. Worker's compensation will not apply to non-job-related injuries or illnesses that may occur at the alternative worksite.

9.2.7 Primary Worksite

The employee shall report to the employing unit's primary worksite for in-person meetings when so directed.

- A. The employee shall be provided a minimum of 24 hours notice prior to an in-person meeting except in cases of unforeseen emergency.
- B. The City of Seattle or the employing unit shall not reimburse the employee for expenses incurred for the employee's travel to and from the primary worksite.
- C. When an hourly employee's workday has begun prior to, and is completed subsequent to the primary worksite in-person meeting, time spent in transit shall be included in the computation of the employee's hours worked.

9.2.8 Alternative Worksite

- A. The employee shall be responsible for maintaining his or her alternative worksite free from disruptions that are not a direct result of the employee's assigned job duties.
- B. The employee must permit his or her supervisor, or a management representative, access to the alternative worksite in order to perform routine inspections to ensure adequate health and safety conditions and a proper work environment are maintained.
 - 1. The appointing authority shall determine and communicate the standards for safe and healthful working conditions required for the work being performed by the employee. The employee shall be responsible for establishing and maintaining these safe and healthful working conditions at the alternative worksite.
 - 2. The appointing authority shall determine the frequency with which the alternative worksite may be inspected and shall provide a minimum of 24 hours notice before such inspections. The appointing authority may perform a safety assessment that ensures that the alternative worksite meets Occupational Safety and Health Administration guidelines as well as provides adequate lighting and physical space requirements, fire protection, and reasonable security for City equipment and/or data.
- C. Unless the appointing authority approves the expense, the employing unit shall not reimburse the employee for any costs incurred for construction, renovation,

heating/air conditioning, lighting, or electrical work associated with the alternative worksite.

9.2.9 Equipment, Software, Files, Documents, and Other Materials

- A. Employees may choose to use their own equipment and software in order to perform work at home. Employees shall not be reimbursed for the use of their own equipment.
- B. All equipment and software, when employed for City business purposes, shall comply with City of Seattle technology standards as established by the City's Chief Technology Officer or his or her designee(s).
- C. At the sole discretion of the appointing authority, City equipment (including furniture, computer hardware or software, or telephone lines) may be installed at the alternative worksite. Employees shall not be required to purchase their own equipment. Should the appointing authority choose not to approve the purchase and/or installation of City equipment, the employee shall have the option of remaining at the regular workplace and utilizing the equipment at that location.
- D. City of Seattle equipment, if any, shall only be used for City of Seattle business. Equipment supplied by the employing unit shall be made available to the supervisor or the designated management representative for maintenance and inspection at any time during the employee's core work hours. Use of City equipment for purposes not related to City of Seattle business may be grounds for termination of the telecommuting agreement and/or disciplinary action. The appointing authority shall determine the frequency and means by which City owned equipment shall be serviced and maintained.
- E. The employee shall take reasonable precautions to protect City owned equipment, if any, from theft, damage, or misuse. When the alternative worksite is the employee's home, it is the employee's responsibility to ensure that his or her homeowner's or rental insurance policy adequately covers equipment used for telecommuting purposes.
- F. The employee's responsibility for the security of City documents, files and other materials is the same while the employee is in transit and/or working at an alternative worksite as when he or she is in the primary worksite.

9.2.10 Discontinuation of Telecommuting Arrangements

- A. An employee may terminate his or her participation in a telecommuting arrangement at any time; for any reason, upon written or verbal notice to his or her supervisor. Fourteen calendar days prior written notice shall be provided to the appointing authority unless the appointing authority determines that the reason for the termination of the telecommuting arrangement warrants shorter notice.
- B. The appointing authority may terminate an individual employee's telecommuting arrangement at any time, for any reason, upon written notice to the employee. Fourteen calendar days prior written notice shall be provided to the affected employee unless the appointing authority determines that the reason for the

termination of the telecommuting arrangement warrants shorter notice. The appointing authority's decision shall be final.