



Dallas County
BRIEFING / COURT ORDER
Commissioners Court - Special Called
Session - Mar 19 2020

- Resolution
- Solicitation/Contract
- Executive Session
- Addendum

Policy Revision - Telecommuting Program - Sec 82-33

Briefing Date: Mar 19 2020
Funding Source:
Originating Department: Human Resources
Prepared by: Shirley Johnson,
Recommended by: Robert B. Wilson, Director of Human Resources

BACKGROUND INFORMATION:

In its continuing efforts to update and clarify the Dallas County Code, the Human Resources/Civil Service Department submit the attached revisions to the Telecommuting program and Telecommuting Agreement.

OPERATIONAL IMPACT:

N/A

FINANCIAL IMPACT:

There is no financial impact

LEGAL IMPACT:

The Civil Division of the District Attorney's Office has reviewed the revision to this policy.

PROJECT SCHEDULE:

N/A

SBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

Recommendation supports Dallas County's Vision under the Administrative Plan of becoming operationally a model governmental entity by supporting Objective 6: Update, Improve, Maintain, and Make Readily Available Online Collection of All County Policies.

RECOMMENDATION:

The Human Resources/Civil Service Department recommends Commissioners Court *approve the attached revised policy (Section 82-33) and the Telecommuting agreement for immediate inclusion into the Dallas County Code.*

MOTION:

On a motion made by TBD, and seconded by TBD, the following order will be voted on by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby *approve the attached revised policy (Section 82-33) and the Telecommuting agreement for immediate inclusion into the Dallas County Code.*

ATTACHMENTS:

Telecommuting policy revision
telecommuting-agreement

Sec. 82-33. Telecommuting program (This section reflects recent court approved policy language: Court Order #2011 1463 – August 30, 2011; Court Order #2020 TBD - March 24, 2020).

- (a) ~~Definitions.~~ The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~Alternate site~~ means another location where an employee may be approved to work other than the departmental office.

~~Field employee~~ means a county employee whose job duties are normally performed outside the departmental office. Examples include, but are not limited to, probation officers, outreach workers, etc.

~~Telecommuting employee~~ means a county employee who has been approved by an elected official/department head to work at another location other than the departmental office.

- (a) Generally. For employees who have not requested to work from home as an accommodation for a disability, this program permits an employee to work at an alternate site such as a home, a satellite office, library, etc., for a specified period. An elected official/department head that who determines it is advantageous to allow an employee to work at an alternate site has the following three work arrangement options:

- (1) One to two day agreement where an employee has a specific project/assignment to complete in a very short time period, not to exceed two days per week. The frequency of such work arrangement is also limited - ~~not to exceed 2-3 times annually,~~ and the elected official/department head gives the final approval. ~~The Elected Official/Department Head must notify HR of the assignment by completing the Short-term Telecommuting Agreement Form (HR/CS #106). In order to protect the employee, elected official/department head and the County, within five business days of the agreement, the department shall submit HR/CS #106 to HR. HR will provide a quarterly report to Commissioners Court.~~

Example: *A project requiring extensive research/writing is due and the elected official/department head allows the employee to work on the project offsite for two days.*

- (2) Continuous work from home assignment – yet is for a specific time period, is not long term and must be approved by Commissioners Court. This assignment may be long term and must be approved by the Court Administrator.

Example: ~~Employee works at home for three days a week for six weeks to complete data collection for a project report related to fiscal, financial and/or contractual compliance audits.~~

An employee works from home for an extended period due to a lack of work space, national disaster or epidemic virus.

- (3) Routinely works offsite at least one day a week and the agreement is continuous and ongoing. However, The specific time period must be spelled out in the formal agreement, which must be approved by Commissioners Court.

Example: Employee works three days per a week at home ~~analyzing, designing, and developing custom applications~~ and two days per week in the office.

~~This overview assists employees and elected officials/department heads in understanding the requirements and conditions for participating in the County's Telecommuting Program.~~

- ~~A. As a work site alternative, telecommuting may be appropriate for high performing employees whose job responsibilities are suited for such arrangements;~~
- ~~B. It is not an entitlement or a right and as such, no employee may demand it;~~
- ~~C. Telecommuting requests are considered on an individual basis;~~
- ~~D. Elected official/department heads may approve Option 1 *by completing HR/CS #106*; however, *formal* Commissioners Court approval is required on Option 2 and 3;~~
- ~~E. The County or employee may terminate a telecommuting agreement at any time; and~~
- ~~F. This policy does not apply in situations related to telecommuting offered as a result of providing reasonable accommodation for qualified individuals with a disability. Specific details regarding such can be obtained from the employee relations section of the human resources/civil service department.~~
- ~~G. Employees and managers must comply with all aspects of the Telecommuting Policy to protect the employee, elected officials/department heads and the County.~~

- (b) ~~*Position Selection Guidelines.* Not all positions are suitable for Telecommuting may be appropriate for high performing employees whose job responsibilities are suited for such arrangements. Telecommuting requests are considered on an individual basis. When evaluating whether a position is suitable for telecommuting consideration, a manager should evaluate whether the job tasks can be performed independently and away from the workplace setting and whether an employee's absence from the workplace would interrupt office operations. When evaluating whether an employee is eligible for a telecommuting assignment a manager should consider whether the employee is: Managers should use the following guidelines to determine if a position is suitable for telecommuting consideration:~~

- (1) ~~Job tasks assigned can be performed independently; A high performer as evidence by performance evaluations.~~
- (2) ~~Information required is readily accessible at an alternate site; Able to work independently, and~~
- (3) ~~Job tasks and duties are clear and quantifiable; Free from significant~~

disciplinary actions.

- ~~(4) — Job tasks do not require daily face-to-face contact with the supervisor, co-workers, client or customer, and the general public;~~
- ~~(5) — No supervisory responsibilities;~~
- ~~(6) — Job tasks do not involve handling highly confidential, sensitive documents;~~
- ~~(7) — Job tasks do not require hands-on contact with machinery, equipment, vehicles, etc.;~~
- ~~(8) — Absence from the official duty station does not unduly interrupt office operations; and~~
- ~~(9) — Established job tasks/criteria are specific, written, and work related.~~

~~These are recommended guidelines and elected officials/department heads may determine other position characteristics that may be appropriate. Just because a position is deemed suitable does not obligate in any manner the elected official/department head to offer telecommuting.~~

~~(c) — *Determining Employee Eligibility.* Elected officials/department heads should use the following guidelines to determine if an employee is eligible for telecommuting consideration:~~

- ~~(1) Sustained high job performance as evidenced by performance evaluations that are commendable and above meeting expectations and above;~~
- ~~(2) High productivity level and the ability to work independently, without close supervision;~~
- ~~(3) No job performance problems, such as attendance, tardiness, etc.~~
- ~~(4) Employee has more than six months of service in the current position;~~
- ~~(5) The employee's current assignment does not require sole supervision, direction or input from other team members;~~
- ~~(6) The employee has not received disciplinary action(s);~~
- ~~(7) Demonstrated dependability and ability to handle responsibility;~~
- ~~(8) Proven record of high personal motivation; good time management skills; and~~
- ~~(9) Demonstrated comfort and skill with the technology required for telecommuting.~~

~~These are recommended guidelines and elected officials/department heads may determine other employee characteristics that may be appropriate.~~

~~(c) *Procedures for Requesting Telecommuting Consideration:*~~

- (1) An eligible employee shall submit the Telecommuting Request Form (HR/CS Form #106) to and ~~submit the request to his~~ their manager/supervisor;
- (2) The supervisor/manager will ~~review~~ evaluate the request and ~~collect all pertinent information related to the financial impact, efficiency and effectiveness of the request, conduct an assessment of what resources would be required for telecommuting and submit a recommendation to the elected official/ department head;~~
- (3) ~~The elected official/department head will approve or not approve the request. If the request is approved. If the elected official/department head approves the request, the elected official/department head will forward his/her~~ the recommendation to Human Resources for briefing to Commissioners Court for final approval if required by policy. During a declared local emergency the employee may begin working remotely the next business day after approval from the elected official/department head.
- (4) If approved by the Commissioners Court, the department will work with the employee to implement the Telecommuting Agreement. *If the request is not approved, the elected official/department head will be unable to grant the request.*

(d) *Employee Responsibilities.* ~~These are recommended guidelines for employees interested in the telecommuting program. The elected official/department head has the discretion to impose other guidelines.~~

- (1) ~~Telecommuters must comply with departmental expectations regarding availability. All employees will be required to~~ A telecommuter must sign a written agreement (Telecommuter's Agreement) for telecommuting assignments, Form HR/CS #1036. The Telecommuter's Agreement shall contain the work schedule, work performance expectations, and duration of the agreement. All telecommuting work schedules are discretionary to management. Dallas County operational needs take precedence over telecommute schedules. The employee will forego telecommuting if needed in the office or elsewhere on the regularly scheduled telecommute day. Telecommuters will be held to the same standards as office employees, and this includes, but is not limited to:
 - a. ~~Must maintain regular work hours and be readily available when required;~~
 - b. ~~Must maintain regular contact with supervisors and co-workers;~~
 - c. ~~Home office telecommuters may be required to spend a minimum number of days per week in the main office, except under unusual conditions approved in advance by the elected official/department head;~~

- d. ~~The telecommuting employee must be at the site during scheduled work hours unless the employee is defined as a field employee, and office operations will not be negatively impacted.~~
- (2) ~~The employee will not engage in any non-county activities while on official duty status at the alternate duty station to include conducting personal business. Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care. A Telecommuter remains subject to all Dallas County performance standards and policies as well as any additional requirements imposed by the elected official/department head.~~
- (3) ~~As with all County employees, telecommuters are expected to adhere to all the rules and regulations in the Dallas County Code, and all departmental policies and procedures, including those pertaining to security and confidentiality for County infrastructure and documents on the computer, its data and information, and any other information handled in the course of work. Products, documents and other records used and/or developed while working under a telecommuting agreement will remain the property of, and be available to the County. Telecommuters must adhere to the following general guidelines and any additional guidelines imposed by the elected official/department head:~~
- a. ~~A telecommuting employee is not permitted to conduct meetings with clients, customers, or other members of the public in the telecommuter's home or other non-County owned or leased facility;~~
 - b. ~~Dallas County assumes no liability for injuries occurring in the employee's home workspace outside of work hours;~~
 - c. ~~Telecommuters are responsible for any injuries to third parties and/or members of the employee's family on the employee's premises during the employee's telecommuting work period;~~
 - d. ~~Telecommuters should note that some homeowner policies do not automatically cover injuries arising out of, or relating to, the business use of the home;~~
 - e. ~~For the employee's protection, employees should have their homeowners/tenants liability policy endorsed to cover bodily injury and property damage to all third parties arising out of or relating to the business use of their home; and~~
 - f. ~~Employees who live in rented property should be aware that their lease may not permit business use of the premises.~~
- (4) ~~As appropriate, telecommuters will require a computer with a modem or similar means to communicate with people and access the information~~

~~needed to perform their responsibilities. It is essential that the equipment used at the home office be compatible with the main office equipment. A telephone is also an essential requirement so that the employee may stay in contact with his/her supervisory staff. Telecommuters must adhere to the following general guidelines and any additional guidelines imposed by the elected official/ department head:~~

- ~~a. County provided equipment is to be used only by the telecommuting employee.~~
- ~~b. The equipment must be protected against damage and may be used for Dallas County work only.~~
- ~~c. Dallas County owned equipment will be serviced and maintained by the County.~~
- ~~d. To assist in determining equipment needs, telecommuters may complete Form HR/CS No. 104, Telecommuting Technology Checklist.~~

~~(5) Telecommuting employees are responsible for designating one area in their house as the work site which shall be may be approved by their manager/supervisor for ensuring that their home work site complies with health and safety requirements and must so certify as part of their "Telecommuter's Agreement." A "Telecommuter's Safety Checklist" (Form HR/CS #105) must be completed and signed by the employee before telecommuting privileges are granted. Telecommuters shall adhere to the following guidelines regarding health and safety:~~

- ~~a. The County may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on safety considerations or the needs of the County at any time.~~
- ~~b. If an employee incurs an injury while telecommuting, workers' compensation law and rules apply. The employee must immediately notify his/her manager/supervisor and complete all necessary and/or County requested documents regarding the injury.~~
- ~~c. "Telecommuting" is directly related to working in the home or approved work site, and does not include non-covered actions that the telecommuter may take during break periods from working. These non-covered actions include all actions that the employee would not be able to perform at his/her regular office environment or those non-covered actions that are directly related to the operation of the home. Examples of such non-covered actions include caring for a child(ren) or parent(s), domestic tasks, yard work, checking mail, retrieving the newspaper, etc.~~

~~(6) All pay and leave will be based on the employee's official Dallas County position. The employee's time and attendance will be recorded as if performing official duties at the main office. Managers/supervisors shall ensure compliance of the following guidelines regarding pay, attendance,~~

and leave:

- a. ~~Employees must obtain supervisory approval before taking leave in accordance with established department procedures.~~
 - b. ~~The employee agrees to follow established procedures for requesting and obtaining approval of leave.~~
 - c. ~~If an employee is sick and unable to work in their telecommuting location, they are required to report those absences when they are unable to work as they would in a normal office setting.~~
- (7) ~~Maintenance and repair of county-owned equipment issued to telecommuters is the responsibility of the County. Telecommuters shall adhere to the following guidelines regarding the maintenance, repair, and replacement of equipment:~~
- a. ~~Replacement of county-owned equipment, which is stolen or destroyed, shall be the responsibility of the telecommuter.~~
 - b. ~~Replacement cost will be the responsibility of the telecommuter.~~
 - c. ~~In the event of equipment malfunction, the telecommuter must notify his/her manager/supervisor immediately.~~
 - d. ~~If repairs will take some time, the employee may be asked to report to the main office until the equipment is usable.~~
 - e. ~~Repairs to County equipment that result from employee negligence, recklessness or intent to damage, may be the responsibility of the employee.~~
 - f. ~~Repairs to telecommuter-owned equipment would be the responsibility of the employee.~~
 - g. ~~The employee shall release the County from any and all liability resulting from the use of his/her own equipment.~~
- (8) ~~*Performance Standards and Evaluation.* Performance standards and employee accountability for quantity and quality of their work will not change due to participation in the telecommuting program. As in "regular" office assignments, supervisors and employees must discuss and understand what is expected to be produced during telecommuting and when it is due. Supervisors and employees must also arrange when/how to make contact with each other on telecommuting day(s). The evaluation of the employee's job performance will be based on established standards. Performance must remain in the category of "Commendable" or above to remain in the Telecommuting Program.~~

(e) Liability Considerations.

- (1) If a Telecommuter incurs an injury, worker compensations' laws and rules apply.
- (2) A Telecommuter is responsible for any injuries to third parties on the employee's premises during the employee's telecommuting work period.