

CLASSIFICATION: Personnel

ADOPTED: 5/XX/20
REVISED: 5/XX/20
REVIEWED: (DATE)

SUBJECT: Telecommuting

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Telecommuting may pose advantages for both the San Diego County Office of Education (SDCOE) and its employees, such as including increased productivity and performance, relief of on-campus space constraints, cost reduction, environmental sustainability, crisis response, and greater work-life balance. The governing board recognizes that the current state of technology allows individuals to work effectively from home or at other alternative locations under specific circumstances (“telecommuting”).

Telecommuting may be allowed on a discretionary basis and is entirely voluntary. Either a department or employee may request a full-time, part-time, or short-term telecommuting arrangement. Prior to entering into any telecommuting arrangement, the superintendent of schools, or designee, shall make the determination that telecommuting is suitable for the position, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and that the work arrangement does not hinder SDCOE operations. Except in an emergency situation, a department may not require an employee to telecommute and an employee does not have a right to telecommute. Telecommuting is not a benefit and may be terminated at any time in accordance with this regulation.

The opportunity to telecommute shall be entirely at the SDCOE’s discretion, and no grievance or appeal right may arise from the denial of any employee request to telecommute by SDCOE.

The county superintendent of schools assigns responsibility for the development and efficient operation of SDCOE’s telecommuting policy to the assistant superintendent, Human Resource Services or other designee as necessary, who shall establish, implement, and disseminate to employees written operating procedures consistent with the requirements of this administrative regulation.

Procedures

Telecommuting can be informal, such as working from home for a short-term project during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or manager may propose telecommuting as a possible work arrangement.

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Any telecommuting arrangement made will be on a trial basis for the first three months and may be discontinued at will and at any time at the request of either the employee or the administration. Every effort will be made to provide 10 days' notice of such change to accommodate commuting, child care, or other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible and the telecommuter may be intermittently recalled to the office on short notice as deemed necessary by the superintendent, or designee.

Eligibility

A full-time, part-time, or short-term telecommuting arrangement may also be granted by the superintendent or designee to an individual employee, upon employee or management request, provided that the position is suitable for telecommuting, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder SDCOE operations.

Employees requesting or requested to formally telecommute must be employed with SDCOE as a regular, permanent employee who is no longer on probation. Exceptions will be considered on a case-by-case basis by the superintendent or designee.

Before entering into any telecommuting agreement, the employee and manager must review and assess the following:

- Employee suitability: the employee and manager will review employee absences as well as the needs and work habits of the employee compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities: the employee and manager will discuss the job responsibilities and determine if the position is appropriate for a telecommuting arrangement.
- Equipment needs: employees and managers should consider equipment needs, work space design considerations, and scheduling. The employee and manager will review the physical workspace needs and the appropriate location for the

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telework. The employee's ability to follow the recommendations regarding ergonomic compliance in their home/work station should also be considered.

- Impact: The manager should consider the impact the proposed work schedule will have on fellow employees, employee morale, as well as the functional needs of the division as a whole. The manager is responsible for ensuring necessary adjustments are implemented and that the telecommuting policy is administered in a manner that will positively impact their respective division.

Before implementing a formal telecommuting agreement, the assistant superintendent of the division or their designee shall be informed and given authority to approve or disapprove of the proposed action. If approved by the division assistant superintendent, and the employee and manager agree, a draft telecommuting work plan will be prepared and signed by all parties, and a conditional three-month trial period will commence.

The Human Resource Services department shall review the agreement, and the signed agreement will be held in Human Resource Services. The superintendent of schools or his/her designee has the final authority to approve or disapprove the arrangement.

Assessment

An assessment of the telecommuting arrangement during the trial period will include regular interaction by phone and e-mail between the employee and the manager, and weekly face-to-face or virtual meetings to discuss work progress and any issues that may arise. At the end of the trial period, the manager will each complete an assessment of the telecommuting arrangement and make recommendations to continue or modify the arrangement.

The assessment of telecommuter arrangement beyond the trial period will be consistent in both content and frequency, and will focus on work output, professionalism, and completion of goals and/or objectives.

Administrative Responsibilities

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The deputy/assistant superintendent or designee over each division shall ensure compliance with all applicable policies and procedures and shall identify positions suitable for the telecommuting, determining whether there is a need to provide additional equipment or software on a case-by-case basis. Unless extreme mitigating circumstances are present and the employee has a special need, SDCOE will not provide additional equipment and software when a similarly equipped workstation is maintained at the office for the employee seeking to telecommute.

Employee Responsibilities

All employees who enter into a telecommuting agreement are responsible for adhering to the policies governing telecommuting.

Employees must:

Abide by the provisions set forth in this administrative regulation, all rules, board policies, local, state, and federal laws and agreements regarding telecommuting;

Adhere to all applicable laws, rules, regulations, policies, and procedures regarding information security;

Maintain the skills necessary to meet department requirements and operate independently from an alternative location;

Establish and maintain an acceptable and safe home office environment;

Adhere to established hours of employment and avoid non-work-related interruptions;

Not engage in outside employment during work hours;

Adhere to the established schedule for breaks and lunch;

Establish, operate, and maintain the home office, equipment, devices, and services associated with the telework arrangement; and

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Comply with applicable tax laws. SDCOE is not responsible for substantiating an employee's claim of tax deductions for operation of a home office used to perform work. Employees should seek advice from a tax advisor concerning home office deductions.

Equipment

On a case-by-case basis and in exceptional circumstances, SDCOE will determine, with information supplied by the employee and the manager, the appropriate equipment needs (including hardware, software, and other office equipment) for each telecommuting arrangement. Employees and other authorized users of San Diego County Office of Education technological resources (users) are responsible for their proper use at all times. Users are expected adhere to Administrative Regulation 3600 Use of Technological Resources and the SDCOE Acceptable Use Agreement while telecommuting.

The employee will establish an appropriate work environment within his or her home for work purposes. SDCOE will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space. Employees are also responsible for ensuring internet connectivity in their designated workspace.

Protecting Data and Equipment

Employees telecommuting shall observe the following computer safeguards:

Position equipment away from direct sunlight or heat and place equipment on well-ventilated surfaces;

Keep equipment away from heat, dirt, smoke, liquids, food, and moisture, dust the equipment and use dust covers;

Keep all magnets, magnetic paper clip holders, fluorescent lamps, and electric motors away from computer equipment; and

Maintain smoke and fire alarms.

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Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. SDCOE will provide each telecommuter with a safety checklist that must be completed at least once per year initially and when workplace circumstances change. The employee is required to notify their manager within 24 hours of a change to the workspace. A change in the workspace occurs when there has been a substantial modification or relocation, such as the employee working from a new area of his or her home.

Safety checklists shall be maintained and stored by the manager, and available for inspection at any time by the division assistant superintendent. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by SDCOE's worker's compensation policy. Telecommuting employees are responsible for notifying the manager of such injuries as soon as possible, but no longer than within 24 hours of becoming aware that an injury has occurred. Employees are discouraged from having visitors at his/her home worksite during work hours. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Security

Consistent with the organization's expectations for information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary SDCOE and customer information accessible from their home office. Managers will determine if additional equipment (such as locked file cabinets and/or desks) are needed.

Child Care

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business

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demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

Time Keeping

Telecommuters and their managers are responsible for determining consistent work hours based on the needs of the employee and the program. Details concerning work hours shall be included within the employee's telecommuting work plan. Employees shall abide by state and federal laws regarding periodic rest breaks and lunch breaks, and any applicable bargaining unit agreements for work and break hours.

Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using SDCOE's time-keeping system and applicable bargaining unit agreements. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's manager. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

Office Supplies

Office supplies will be provided by SDCOE as needed. Employees will follow established protocols for ordering supplies and obtain approval from their manager.

Worker's Compensation

During work hours and while performing work functions in the designated work area of the home, telecommuters are covered by SDCOE's worker's compensation plan.

Liability

The employee's home workspace will be considered an extension of SDCOE's workspace. Therefore, SDCOE will continue to be liable for job-related accidents that occur in the employee's home workspace during the employee's working hours.

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SDCOE will be liable for injuries or illnesses that occur during the employee's agreed-upon work hours. The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her manager. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as before the employee began teleworking. SDCOE assumes no liability for injuries occurring in the employee's home workspace outside the agreed-upon work hours. SDCOE is not liable for loss, destruction, or injury that may occur in or to the employee's home. This includes family members, visitors, or others that may become injured within or around the employee's home.

Disciplinary Procedures

Employees are expected to perform their job duties satisfactorily and exhibit professional appropriate conduct. Accordingly, employees will continue to be subject to disciplinary actions in accordance with all applicable state and federal laws, SDCOE board policies, merit rules, and collective bargaining agreements while telecommuting.

Expenses Incurred While Telecommuting

Expenses incurred as a result of working a telework schedule will not be reimbursed by SDCOE including, but not limited to, the following: usage fees for privately owned computers; utility costs associated with the use of telephone, computer, or occupation of the home; or travel to the on-site office if required to come in on a telecommuting day. Mileage to and from the worksite are not covered by SDCOE mileage reimbursement policies. Mileage will only be reimbursed if you are required to travel during your regular workday and shall not include driving to and from the worksite to the employee's home.

Emergencies

SDCOE recognizes that telecommuting at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. In such an event all telecommuting requirements may be modified or waived at the discretion of SDCOE.

SAN DIEGO COUNTY OFFICE OF EDUCATION

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Derivation: Adopted 5/XX/20.

Board Policy: 3600, 4020, 4021, 4025

Administrative Regulation: 3600, 4020, 4021, 4203, 4304

**Legal Reference: Government Code
6250-6270, 12900-12996
Labor Code
226.7, 6400, 6401
United States Code, Title 20
12101-12213**

Management Resources:

Websites: California Department of Industrial Relations: <http://www.dir.ca.gov>