

MONTEREY COUNTY
PERSONNEL POLICIES AND PRACTICES
RESOLUTION
No. 98-394

Adopted September 15, 1998
Successor policy document combining and replacing the Salary and Benefits Resolution
No. 84-579 and the Personnel Resolution No. 80-339
Updated January 12, 2018

- Hundreds of millions of dollars continue to be spent by the United States government to purchase artificial milk for babies. One study indicated that the national Women, Infants, and Children (WIC) nutrition program could save \$93 million a month in lower food package costs alone if all mothers breast fed their infants. According to a report released in the fall of 1996, compared to formula-fed babies, each breast-fed baby saved \$478 in WIC and other health care costs for the first six months of life. The International Journal of Gynecology and Obstetrics reported in 1994 that, in the United States, two to four billion dollars could be saved in annual health care costs if women breast fed their infants for as little as 12 weeks.
- Employers, employees, and society benefit by supporting a mother's decision to breast feed and by helping reduce the obstacles of continuing to do so after returning to work. A study found that infants who were breast fed for a minimum of six months experienced \$1,435 less in health care claims than formula-fed infants, and a study from the University of California at Los Angeles School of Nursing found that breast-fed babies have 35 percent fewer illnesses than formula-fed babies, and their nursing moms have a corresponding 27 percent lower absence rate.
- Employers clearly benefit by having lower health care costs, less employee absenteeism, and better morale, and employees are also more likely to return to work earlier from maternity leave if they do not foresee complications with being able to continue to breast feed.
- The community benefits from breastfeeding by a healthier population, with fewer medical interventions for acute childhood illnesses and the associated financial and quality-of-life costs associated with obesity, diabetes, and other chronic diseases. Monterey County and the earth benefit from breastfeeding because of the significant environmental costs associated with the manufacture, distribution and disposal of infant formula.

Added 4/13/10; 10-089

B.19 TELECOMMUTING

B.19.1 APPLICABILITY:

This telecommuting policy shall apply to Units X and Y employees only.

B 19.2 POLICY:

Monterey County views telecommuting as a practical work option for eligible, selected employees and of benefit to both the employee and the County as an employer. It is important for the parties to remember that the County's Telecommuting Program is intended to be a cooperative arrangement, minimizing environmental impacts as well as creating economic and other efficiencies and benefits for telecommuting employees and the County. These benefits include reduction in employee commutes, traffic congestion, fuel consumption and greenhouse gas emissions, along with improved productivity and employee morale. All of the above serve as useful recruitment and retention tools.

Telecommuting is not an entitlement or a right. Telecommuting does not change the basic terms and conditions of employment.

1. PURPOSE:

Telecommuting allows approved personnel to work for a specified period of time at a site other than the primary work location, during regular working hours.

2 DEFINITIONS:

2.1 Telecommuting: a replacement for commuting that maintains the employee's ability to participate in the work process by all means and mediums from a remote location approved by the County. Typically the telecommuting work location will be the employee's residence or a satellite office.

2.2 Telecommuter: an employee who meets the eligibility requirements of this policy and has appropriate approval and resources to work effectively from home or other approved location on a pre-approved, pre-scheduled basis.

2.3 Telecommuting Agreement: the formal documentation of an employee's authorization to telecommute. A Telecommuting Agreement must always be completed before telecommuting commences. If the Agreement has an end date, telecommuting may not occur after that date unless a new agreement is completed and signed by both the telecommuter and Department Head. It is critical that both the telecommuter and the Department Head assure that an agreement is always in force covering the actual days and times telecommuting is occurring.

If for any reason, telecommuting is terminated, it may be resumed with the completion of a new agreement and exhibits (assuming Department Head approval).

2.4 Telecommuting Schedules:

2.4.1 Occasional: to complete a special project;

2.4.2 Recurring: approved, specified, part time telecommuting schedule.

2.5 Satellite Office: A County designated work site which differs from the telecommuter's normal work location.

2.6 Regular Work Schedule, Days or Hours: the days or hours the employee is scheduled to work prior to the telecommuting agreement. No employee shall work more hours than his/her work week as a result of telecommuting. Telecommuting is not for the purpose of altering work hours or providing for a flexible schedule, however employees may combine telecommuting with a flexible or alternative work schedule.

3. ELIGIBILITY:

3.1 Position Requirements:

Positions suitable for telecommuting are typically characterized by duties that independent in nature as characterized by the following criteria:

- 3.1.1 Primarily “knowledge-based” and involved handling of information, including but not limited to reading, writing, analyzing or processing data;
- 3.1.2 Entails project-oriented activities or work with measurable milestones or deliverables;
- 3.1.3 Allows for work to be performed at a telecommuting location;
- 3.1.4 Will not, as a result of telecommuting, compromise any of the functions of the work unit, other departmental units, other departments or outside agencies;
- 3.1.5 The job requirements can be satisfied by minimal face to face communication requirements (communication can be handled over the telephone, voice mail or electronic mail);
- 3.1.6 The employee’s duties do not involve the use of special equipment, either for work production or as a reasonable accommodation already approved;
- 3.1.7 The employee’s duties do not require the employee to access County databases or programs if the employee’s department cannot provide access due to lack of funds or resource or if County IT personnel determine that access is unavailable or inappropriate;
- 3.1.8 Participation in the program does not require the County to purchase or install equipment or incur additional costs for implementation.

4. TELECOMMUTER REQUIREMENTS:

4.1 Suitability for Telecommuting:

Requirements for eligibility to participate in the Telecommuting Program are provided as follows:

- 4.1.1 Will have demonstrated ability to perform work efficiently and independently;
- 4.1.2 Will be at the journey level or higher in terms of job knowledge, skills, and abilities;
- 4.1.3 Will not be in a probationary status;
- 4.1.4 Will have a current performance evaluation that is “Meets Standards: or above;
- 4.1.5 Will have demonstrated that he/she is self-motivated, self-disciplined, and self-directed and is skilled in planning, organizing, managing time and work projects;

- 4.1.6 Will have demonstrated the ability to meet deadlines as well as to comply with job related standards and objectives and County/Department policies.

4.2 Supervisor/Manager Requirements:

The Supervisor/Manager will have demonstrated the ability to:

- 4.2.1 Establish clear objectives and job measurements;
- 4.2.2 Provide regular feedback to employees on performance and work product;
- 4.2.3 Facilitate open communication and ongoing interaction with telecommuter.

4.3 Performance Measurement Requirements:

Performance evaluations of telecommuters shall include:

- 4.3.1 Clear and measurable performance objectives and/or work product to be accomplished during the specific review cycle;
- 4.3.2 Complete, written Performance Reviews at intervals of not less than twelve months.

5. POSITIONS CONSIDERED UNSUITABLE FOR TELECOMMUTING:

Not every County employee or position may be eligible or suitable to telecommute. Employees holding jobs that are primarily location-dependent or that require access to resources that are not allowable or practical at a telecommuting location will not be considered.

Examples of job responsibilities unsuitable for telecommuting include, but are not limited to:

- 5.1 Face to face interaction with subordinates, supervisors, clients, coworkers or the public (i.e. Lead worker, Supervisor) is required;
- 5.2 Coordination and participation in team-based, quick-reaction, and/or turnaround tasks requiring the employee's presence is frequent;
- 5.3 Access to highly secure or protected information/resources which must be maintained only at a traditional work site is required;
- 5.4 Access to special office resources, such as main frame computers, copy equipment, large machines, special files, secure or protected facilities, etc. is needed;
- 5.5 Access to the County's computer databases and/or applications that cannot be provided on a remote basis is necessary;
- 5.6 On-demand presence or attendance at the principal work location to address unscheduled events is required;

- 5.7 Immediate availability to answer direct incoming telephone calls, (i.e. Dispatchers);
 - 5.8 Field work should be scheduled in order to promote travel efficiency while complying with department policies to the extent feasible;
 - 5.9 Onsite coverage responsibilities for cyclical or rotating tasks;
 - 5.10 Use of a County vehicle.
6. PROGRAM PARTICIPATION:
- Interested employees must complete and submit a Telecommuting Agreement form. This form collects information about the employee, the nature of his/her workload and any required supplies, equipment and/or software that would be needed to successfully fulfill the employment obligations. Each department is required to screen the applicants for eligibility and select participants, if any, based upon the criteria set forth in sections 3, 4, and 5.
- Participation in the telecommuting program must be approved by the employee's Department Head and/or designee. A written telecommuting agreement must be signed for each telecommuter and shall be renewed at least annually.
- Each department has the responsibility and discretion to determine the benefits of a telecommuting program for its employees and its deliverables. The department may decline to participate or may, at any time, discontinue the entire program or a specific telecommuting agreement for any reason and without cause or explanation.
- 6.1 Telecommuting Agreement:
- Telecommuting agreements shall initially be made on a trial basis for a period not to exceed 3 months. Each telecommuting agreement shall, at a minimum, cover:
- 6.1.1 Scope of work and deliverables;
 - 6.1.2 Maximum number of telecommuting days or hours and work schedule;
 - 6.1.3 Timely response by the telecommuter to emails and phone messages left at the worksite, as well as to supervisors and co-worker communications;
 - 6.1.4 Measurable criteria to be used to evaluate the telecommuter and the effectiveness of the telecommuting agreement;
 - 6.1.5 Frequency of communication between the supervisor and the telecommuter;
 - 6.1.6 Safeguarding the confidentiality of work;
 - 6.1.7 Approval/disapproval of long distance and local call and/or cell phone costs, and/or the cost of internet connections;

- 6.1.8 Attendance at staff meetings and trainings;
- 6.1.9 Use of personal items for County business;
- 6.1.10 Proper and timely completion of time sheets including identification of the number of miles of travel avoided on the days that the employee telecommutes.

6.2 Timekeeping/Reporting:

All County Personnel Policies and Practices regarding attendance and hours worked shall apply to telecommuters. The telecommuter and his/her supervisor shall agree upon a schedule of regular work hours, to be approved by the Department Head or his/her designee. Unless a different work schedule is designated, telecommuter's work hours are to be 8:00 am to 5:00 pm., Monday through Friday, with a lunch period that is considered off-duty time. Any changes of work hours or work location shall be reviewed and approved by the supervisor and Department Head or his/her designee.

Telecommuters are generally expected to spend the entire telecommuting day at the same remote work location. Only travel specifically authorized by the telecommuter's supervisor and Department Head will be considered business travel. Establishing a remote work location does not make the telecommuter's regular commute to his/her primary work location a business trip or subject to compensation.

Employees who telecommute may be required to work beyond the customary work week to ensure successful completion of job responsibilities. Existing policies and laws are applicable to these situations.

6.3 Liability:

The telecommuter's on-going legal responsibilities and defenses for any accidents or injuries occurring on the telecommuter's premises are unchanged by the terms of the Telecommuting Agreement. Telecommuting status does not, by itself, authorize the use of a County vehicle.

6.4 Information Security:

The information provided by the County for telecommuter use, generated in the course of telecommuting, and/or used by the telecommuter for approved County purposes is owned by and an asset of the County and must be protected from unauthorized, incorrect or accidental access, use, modification, destruction or disclosure.

The County maintains unrestricted rights of access to all data and software on any County equipment or personal equipment used for County business or media. Information generated or placed into

personal computers used for County business, as well as work undertaken on behalf of the County on or outside of any County worksite and/or work hours, shall be made available for review at the request of appropriate County officials. For any applicable service, compliance audits or forensics, this equipment shall be delivered to the County facilities, as directed. Such access and disclosure shall be in accordance with, and subject to, any controls or restrictions imposed by applicable statutes or licenses.

The Monterey County Computer Information Use and Security Policy shall apply to telecommuters. The telecommuting employee is responsible for ensuring compliance with this policy at his/her home work site.

All employees are required to comply with County of Monterey Security Policies whenever connecting to the County's network or working with County information, including:

- 6.4.1 Employees must be aware of the types and classifications of data they are working with and the legal, regulatory and policy requirements regarding the handling of such data.
- 6.4.2 "Restricted", "sensitive" or "confidential" County information, including "Personally-Identifiable Information" should not be stored at employee's home or on their home computers.
- 6.4.3 Employees who must keep "restricted", "sensitive" or "confidential" County information on their home computers, disks, tapes, USB keys or other media must encrypt the data so that the data is unavailable if the device is lost or stolen. "Restricted", "sensitive" or "confidential" data must be shredded (physically or electronically) when computers, disks, tapes, USB keys or other media are retired.
- 6.4.4 Employees who must keep "restricted", "sensitive" or "confidential" County information at their homes in order to do their work must utilize lockable furniture for the proper storage of this information. Access to work areas containing "restricted", "sensitive" or "confidential" information must be physically restricted. All information storage media (such as hard disk drives, floppy disks, magnetic tapes, CD-ROMs, USB drives, etc.) containing "restricted", "sensitive" or "confidential" County information must be physically secured when not in use. Employees' computers must restrict access to authorized users only.
- 6.4.5 "Restricted", "sensitive" or "confidential" data must be encrypted when transmitted over public data networks such as the Internet.

- 6.4.6 Computer operating system and application software security patches must be installed and the telecommuter's computer must be fully patched before connecting to the County. Up-to-date antivirus software must be installed on all telecommuter's computers;
- 6.4.7 No bridging of the County network to another network is allowed at any time. Bridging is defined as the simple act of using a PC/laptop/device to create a connection between a foreign network and the local County network. County network resources are only available to the connecting device via the authorized connection provided and are never to be shared with other devices and networks.
- 6.4.8 Telecommuters must never connect to the County while using an unprotected or unauthorized wireless network.

6.5 Safety and On-Site Inspections:

The telecommuter has the responsibility to maintain his/her home work space in a safe condition, free from hazards or other dangers. The telecommuter must designate a specific work area of his or her home that is suitable for performing official business, maintained in a safe condition and free from hazards. The telecommuter must perform his or her work in that designated area when telecommuting. All equipment used during periods of telecommuting must be maintained in good working condition and be ergonomically suitable for the work. The telecommuter shall allow the County to inspect the home work space for the purpose of determining that it is safe and free from hazards. The County does not assume any liability for loss, damage, or wear of employee-owned equipment or furniture, or for injuries to persons other than the employee during telecommuting hours.

Both the employee and supervisor must participate in an orientation program regarding telecommuting safety policies and other program requirements.

6.6 Telecommuting, Flexible or Part-Time Schedules:

Telecommuting is not to be confused with alternative work schedules or flexible schedules. Although some telecommuters will have alternative work schedules or flexible schedules, not all who have such schedules will be telecommuters.

7. EQUIPMENT, SUPPLIES & DATA:

The equipment and supplies necessary to telecommute will be provided by the telecommuter at his/her own sole expense.

The County is not responsible for the cost of installation, service, or maintenance costs incurred by a telecommuter with respect to

telephone, or internet service, nor is the County liable for repair or damage that may be caused by operation of the equipment.

The information provided by the County for telecommuter use, generated in the course of telecommuting, and/or used by the telecommuter for approved County purposes is owned by and remains an asset of the County and must be protected from unauthorized, incorrect or accidental access, use, modification, destruction or disclosure.

8. TELECOMMUTING TAX & TRAVEL EXPENSE IMPLICATIONS:

An employee working pursuant to a telecommuting agreement is encouraged to consult with his/her tax advisor on possible tax implications. Any employee telecommuting is wholly responsible for all tax implications and reporting required by taxing authorities and will not be reimbursed by the County for any tax-related costs. Possible tax implications could be incurred by the use of any County funded equipment, supplies or reimbursed expenses where personal benefit is a possibility. In such cases, tax rules may require logs, records and reporting beyond the requirements of the County.

This is a voluntary program and the County does not in any way require that a home office be maintained by any employee.

The primary place of business for the purposes of the County Travel Policy will continue to be the employee's department office location where he/she otherwise would be assigned if he/she were not telecommuting.

9. TERMINATION OF TELECOMMUTING ASSIGNMENT:

Telecommuting is a privilege, not a right, and is at the sole discretion of the Department Head (or designee). Telecommuting Agreements may be discontinued at any time, whether for an interim period of time or permanently. Removal or denial of a telecommuting schedule will not be deemed punitive and is not a grievable matter.

Added 3/22/1; 11-074

C. LAYOFF AND RECALL PROCEDURES FOR UNREPRESENTED EMPLOYEES

Section re-lettered from B.17 6/6/10; 10-074

C.1 APPLICABILITY

These Layoff and Recall Procedures shall apply to all unrepresented employees, except for those identified in Section B.16. Departments and employees required to be covered by other layoff procedures, e.g., Local Agency Personnel Standards ("LAPS"), State Merit System, and Anti-recession Federal Regulations, shall be governed by those procedures.