


 Costa Mesa Sanitary District Employee Handbook	Policy Number: 2.15
	Effective Date: June 3, 2022
Subject: Telecommuting	Supersedes: May 24, 2022
Approved by: Scott Carroll, General Manager	Signature: 

- 1) **PURPOSE.** To establish a policy and procedures to encourage, where appropriate, the use of telecommuting to attract and retain a diverse and talented work force by adopting workplace strategies that support flexibility and mobility in the workplace, to be an employer of choice, encourage affordable traffic mitigation, and further goals of local, state, and national policies and regulations such as the Clean Air Act.

Telecommuting is supported as an alternative work arrangement and allows the District to implement telecommuting agreements where appropriate for eligible employees. Telecommuting is not a right and is not a District-wide benefit and it in no way changes the terms and conditions of employment with the District. While the physical work location may change, all rules, regulations, policies, and performance expectations remain. Telecommuting requires prior approval of the supervisor and General Manager. The District may discontinue a telecommuting agreement at any time without advance notice.

- 2) **POLICY.** An employee may be permitted to voluntarily telecommute for a portion of the employee’s work week, if approved in advance by the employee’s supervisor and General Manager if they, in their discretion find that the employee’s telecommuting will not negatively impact the overall function of the District.
- 3) **ELIGIBILITY CRITERIA** Telecommuting is not suitable for all employees and/or positions. Employees must have been employed full-time at the District for at least three months to be eligible to participate in telecommuting. The General Manager has the discretion to determine the positions that best qualify for a telecommuting option, such as those positions whose main essential functions can effectively be accomplished away from the workplace. The criteria utilized for determining the positions who may telecommute includes, but is not limited to:
- a) The operational needs of the employee’s department and the District;
 - b) The potential for disruption to the District’s functions;
 - c) The ability of the employee to perform his or her specific job duties from a location separate from his or her District worksite (“Alternate Worksite”) without diminishing the quantity or quality of the work performed;
 - d) The degree of face-to-face interaction with other District employees and the public that the employee’s position requires;
 - e) The portability of the employee’s work;



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- f) The ability to create a functional, reliable, safe, and secure Alternate Worksite for the employee at a reasonable cost;
- g) The risk factors associated with performing the employee’s job duties from a location separate from his or her District Worksite;
- h) The ability to measure the employee’s work performance from a location separate from his or her District Worksite. Employees who have received an unsatisfactory performance review, have received disciplinary action within the year prior, or are currently on a Performance Improvement Plan, are ineligible for telecommuting privileges.
- i) The employee’s supervisory responsibilities;
- j) The employee’s need for supervision;
- k) The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
- l) Other considerations deemed necessary and appropriate by the employee’s immediate supervisor and General Manager.
- m) The following positions are eligible for telecommuting:

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| Accountant | Finance Manager |
| Accounting Clerk | General Manager |
| Administrative Assistant I | Management Analyst I |
| Administrative Assistant II | Management Analyst II |
| Administrative Services Manager | Office Specialist |
| District Clerk/PIO | Senior Accountant |
| District Engineer | Senior Management Analyst |
| Engineering Technician | |



6) Telecommute Assignment:

- a) Telecommuting will be approved on a case-by-case basis consistent with the eligibility criteria

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above.

- b) Employees that are eligible for telecommuting (according to the above criteria), may telecommute each Friday that the District is open for business. This is in addition to each eligible employee’s current predesignated telecommuting day. The District office will be closed to the public each Friday that the District is open for business, with the exception of any prescheduled appointment(s).
- c) The amount of time spent telecommuting during a workweek may vary by position, department expectations and equipment needs.
- d) Requirements for in-person attendance can override telecommuting schedules. Telecommuting employees may be required, at any time, to commute to their onsite work location, and should be prepared to report to their worksite within one hour plus travel time. This is considered commute time and telecommuting employees are not eligible to receive mileage reimbursement for this travel.
- e) Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to accurately record all hours worked using the District’s timekeeping system and will not be allowed to work extra hours outside of their regular work schedule, which would result in overtime, unless advance approval from their Supervisor is provided to the employee in writing. Non-exempt employees who receive overtime shall be assigned a work schedule in the Telecommuting Agreement, including rest and meal breaks (“Work Schedule”). Any deviation from the Work Schedule must be approved in advance, in writing, by the employee’s supervisor. A non-exempt employee who fails to secure written authorization before telecommuting outside his or her normal work hours may face discipline in accordance with the District’s policy for working unauthorized overtime.
- f) Telecommuting employees are required to be accessible in the same manner as if they are working at their District worksite during the established telecommuting Work Schedule, regardless of the designated location for telecommuting, or “Alternate Worksite.” Employees must be accessible via telephone, email, and/or network access to their supervisor and other District employees while telecommuting, as if working at their District worksite. Employees shall check their District-related business phone messages and emails on a consistent basis, as if working at their District worksite. Office extensions must be forwarded to employee’s cell phone during telecommuting work hours.

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7) **General Duties, Obligations and Responsibilities.** Employees must adhere to the provisions set forth in this Policy and the terms of the Telecommuting Agreement. Any deviation from the Telecommuting Agreement requires prior written approval from the District.

- a) Non- exempt employees are required to punch in and out at the start and end of their workday using the District’s timeclock system.
- b) The Alternate Worksite must be quiet and free of distractions, with reliable and secure internet and/or wireless access.
- c) Any deviation to the Alternate Worksite stated on the employee's Telecommuting Agreement must be approved in writing by the employee’s supervisor at least 24 hours in advance.
- d) All periods of employees’ unavailability must be approved in advance by management in accordance with District policy.
- e) Telecommuting may not be used as a substitute for dependent care. Employees must make arrangements for dependent care during work hours. Telecommuting is not to be used in the event of personal illness, or to care for a dependent who is ill unless it is a part of a medical accommodation determined through the disability interactive accommodation process. Illnesses or activities that directly interfere with the employee’s tasks and responsibilities require use of accrued leave time.
- f) Employees must notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances. All existing duties, obligations, responsibilities, and conditions of employment remain unchanged. Telecommuting employees are expected to abide by all District policies and procedures, rules and regulations, and all other official District documents and directives.
- g) Employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected of District employees in terms of job responsibilities, work product, timeliness of assignments, and contact with other District employees and the public.
- h) Employees shall ensure that all official District documents are retained and maintained

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according to the normal operating procedures in the same manner as if working at a District worksite.

- i) Telecommuting employees will be provided a District-issued laptop. Personal computers may not be used for telecommuting. Employees agree to follow the District’s Policy for the use of District-owned equipment. Employees will report to their supervisor any loss, damage, or unauthorized access to District owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
- j) Employees must take reasonable precautions to ensure their devices (e.g., computers, laptops, smart phones, etc.) are secure before connecting remotely to the District’s network and must close or secure all connections to District desktop or system resources (e.g., remote desktop, VPN connections, etc.) when not conducting work for the District. Employees must maintain adequate firewall and security protection on all such devices used to conduct District work from the Alternate Worksite.
- k) The District shall not be responsible for costs associated with the use of computer equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, ergonomic equipment, liability for third party claims, or any other incidental costs (e.g., utilities associated with the employee’s telecommuting).
- l) The District will pay non-exempt telecommuting employees a cell phone allowance in the amount of \$36.92 monthly on a taxable basis. Employees receiving an allowance are responsible for the following:
 - i) Purchasing and maintaining their equipment. Cell phone plans must provide adequate minutes coverage for work communications and must have coverage with a carrier that provides acceptable coverage in the employee’s work areas.
 - ii) Notifying their supervisor and department manager of their phone number, changes to number, or cancellation of service.
 - iii) Ensuring continuity of service, including payment of bills.
 - iv) Being in possession of their cell phones during working hours and during nonworking hours if required by their supervisor for District purposes.

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- m) Non-exempt employees will not be expected to communicate on work-related items during established non-work hours unless previously approved by the supervisor and will be required to accurately document all hours worked.



- n) Employees shall continue to abide by practices, policies, and procedures for requests of sick, vacation and other leaves of absences. Requests to work overtime, declare vacation or take other time off from work must be pre-approved in writing by each employee’s supervisor. If an employee becomes ill while working under a Telecommuting Agreement, they shall notify their supervisor immediately and record on their timesheet any hours not worked due to incapacitation.

- o) Telecommuting employees will be expected to ensure the protection of proprietary, sensitive, and customer information accessible from their alternate worksite. Employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the District’s records retention policies, especially as it pertains to the Public Records Act. Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to District work they access from the Alternate Worksite or transport from their District worksite to the Alternate Worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their District worksite to the Alternate Worksite. Employees must return all records, documents, and correspondence to the District at the termination of the Telecommuting Agreement or upon request by their supervisor or Human Resources.

- p) Employees are expected to maintain their workspace in a safe manner, free from safety hazards. The District will provide each telecommuting employee with safety checklist that may be utilized to assess their remote workspace. Injuries sustained by the employee in a remote work location and in conjunction with their regular work duties are normally covered by the District’s workers’ compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. Injuries arising from activities not related to work activity are not covered injuries under the District’s workers’ compensation policy.

- q) In-person meetings may not be held at the remote work site. The employee is liable for any injuries sustained by visitors to his or her remote worksite.

- r) Employees’ salary and benefits remain unchanged. Workers’ Compensation benefits will apply

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only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Employees must report any such work-related injuries to their supervisor immediately. The District shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third party persons when said injuries occur at the Alternate Worksite.

- s) All existing supervisory relationships, lines of authority and supervisory practices remain in effect. Prior to the approval of this Agreement, supervisors and employees shall agree upon a reasonable set of goals and objectives to be accomplished. Supervisors shall use reasonable means to ensure that timelines are adhered to, and that goals and objectives are achieved.

- t) Any breach of the telecommuting agreement by the employee may result in termination of the Agreement and/or disciplinary action, up to and including termination of employment.