

# Policies

<b>Subject</b>	Telework Policy
<b>Section</b>	Human Resources
<b>Approved by</b>	Marissa Madrigal, Chief Operating Officer
<b>Approved on</b>	Aug. 30, 2022
<b>Replaces</b>	Telework, adopted May 31, 2019; COVID-19 Remote Work, adopted October 2020; Telecommuting/Executive Order

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**Policy purpose:** Metro encourages the use of flexible work arrangements in situations where it is conducive to the work and mutually beneficial to the employee and to Metro. Telework is one of several work options used at the manager’s discretion, such as flexible work schedules and job sharing. By supporting telework, Metro is aiming to lessen the environmental impact of vehicle travel, reduce greenhouse gas emissions and support our guiding principles of Climate Justice and Resilience. Additionally, the use of telework aligns with Metro’s commitment to be an Employer of Choice and promote work / life balance.

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## Applicable to

This policy is applicable to all employees including regular status, limited duration, variable hour, and interns where the nature of the position allows for a telework option and is approved by their manager. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

## Definitions

- a. **Telework:** A work arrangement in which an employee performs the duties and responsibilities of their job from an approved location other than their primary work site.
- b. **Hybrid Work:** A work arrangement where an employee works some of their time at their primary worksite (a Metro location) and some of their time at a telework location (usually their home).
- c. **Remote Work:** A work arrangement where an employee works the majority of their time at a telework location.

- d. **Primary Worksite:** An employee's assigned place of work or duty station at a Metro location (the place where the employee would normally work absent telework arrangements).
- e. **Telework Location:** An offsite location other than the primary worksite or official workplace (usually an employee's home).

## **Eligibility**

The following guidelines should be used when approving employees for telework arrangements.

1. The employee can accomplish their job without being on Metro worksite premises for an agreed upon portion of the employee's regular work schedule without a negative impact to business needs.
2. The employee is responsible for meeting all performance and conduct standards of the position, including expectations for productivity and safe work practices.
3. The employee has access to an appropriate work set-up and equipment at the telework location including, at a minimum, an agreed-upon way the employee can be reached regularly or as needed, Internet and system access, and other equipment as appropriate to the employee's job.
4. Telework should not be used as a regular substitute for caregiving. Employees should work with their supervisor if any additional flexibility or accommodations are needed.
5. Telework location is within the states of Oregon and/or Washington.
6. A telework agreement has been completed and agreed upon by both employee and manager before it begins. Generally a telework agreement shall be completed and approved within 30 days from employee written request to their direct supervisor.
7. Metro reserves the right to:
  - Deny telework opportunities to staff that have been disciplined for improper use of work time or other recent performance issues.
  - Require telework employees to attend in-person meetings, events and work-related activities as required for the organization.
  - Revoke telework if circumstances of the job or other eligibility criteria change.
  - To offer or direct an employee to telework or to terminate a telework/hybrid work arrangement at any time.
  - Suspend telework opportunities due to operational needs.
  - Monitor the working arrangement for any negative effects the telework assignment may have on productivity, morale, safety, or workload.

8. A revocation or denial of a telework agreement must be reviewed by and done in consultation with human resources prior to submitting to an employee.
9. A minimum notice of fourteen calendar days will be provided to employees for changes to or revocation of telework agreements unless there are significant performance issues or other extenuating circumstances. These circumstances must be reviewed and approved by HR.

## **Compliance**

### **1. *Wage and Hour***

- a. Telework arrangements must comply with wage and hour laws and adhere to all Metro policies. This includes the scheduling of rest and meal breaks as applicable.
- b. Employees must receive advance approval from their supervisor for any overtime work or flexing of their telework schedule. Employees must also report to their supervisor any absences from duty during telework hours in the same manner as if they were scheduled to be at their primary worksite.
- c. Telework arrangements do not alter the basic terms and conditions of employment including wages, overtime compensation, insurance benefits, paid leave, salary reviews, workers compensation, etc.
- d. If an hourly employee is required to travel during the course of their work day for business purposes, the travel time from one location to another should be compensated (this does not include travel time at the beginning or end of one's work day if they are traveling to their regular work location).
- e. If an hourly employee chooses to travel to another location during the course of their work day (ie: starts their work day at a Metro facility and then decides to work from home in the afternoon, the travel time should be completed during personal time (ie: lunch or rest period)).

### **2. *Systems and Security***

- a. The employee is responsible for protecting the integrity and confidentiality of copyrighted software and sensitive Metro data. Restricted-access materials may not be removed from Metro premises or accessed through the computer without the supervisor's advance approval.
- b. Employees should use all reasonable care when connecting to the internet. Cafés and other public wireless systems should be avoided when connecting to secured services, such as Metro applications and networking systems.
- c. Employees must use Metro approved software and file storage services. Under no circumstances should personal software or file storage be used.

- d. For positions that have security and/or confidentiality requirements, procedures must be established and followed to ensure protection of confidential information. Procedures may include a locked or secured workplace, computer access passcodes, or restricted use of files at the remote worksite.
3. *Record Retention*
    - a. Telework employees must comply with all applicable Metro policies and procedures, with particular attention to Information Technology: Information Security, Acceptable Use of Technology and Acceptable use of Records and Information Management (RIM) Policies.
    - b. Telework employees will apply approved safeguards to protect Metro records and property. All records, correspondence and equipment must be kept in a secure location to prevent damage, theft, or unauthorized disclosure.
    - c. Use of personal equipment may be subject to public records law, as well as other state and federal laws. The use of personally-owned electronic devices such as home computers, laptops, smart phones, and tablets to access Metro's computer applications or to conduct Metro business may be subject to review and possible disclosure.

## **Equipment**

1. Metro-owned equipment (includes computer devices, electronics, furniture, and other devices, such as for ADA accommodations) should be tracked using the Capital Asset Management (CAM) database and procedure, or CAM approved processes.
2. If Metro equipment is used for a telework arrangement, the employee must exercise the same reasonable care for the equipment as would be expected at any Metro worksite.
3. The security of Metro property in an employee's home is as important as it is at Metro worksites. Telework employees are expected to take reasonable precautions to protect Metro equipment from theft, damage, or misuse.
4. Employee must notify the Information Services helpdesk immediately if Metro computer equipment is lost or stolen.
5. Employees will be held responsible for damage to Metro equipment resulting from intentional misuse or from a power surge if no surge protector is used.
6. Employees should use surge protectors when using Metro equipment.
7. Telework employees may not use Metro-provided equipment, software, and other resources for personal purposes except as allowed by the Metro Resources: Acceptable Use Policy.
8. Metro-owned equipment shall only be used by the Metro employee assigned that equipment.

9. The Information Services (IS) Department will define what computer related equipment and other technology should be supported and issued to telework employees (see Baseline Equipment for Teleworkers document).
10. Employees are solely responsible for installation, configuration, repair and maintenance of any personal technology equipment or services.
11. The telework employee is responsible for ensuring that electronic devices, software, and services used for telework are compatible with Metro standards as established by the Information Services Department. The IS Department cannot guarantee that all home systems or services will be compatible (ex: not all internet services (ex: some satellite or wireless internet services) provide sufficient performance).
12. Metro will not be liable for loss, damage, or wear of employee-owned equipment.
13. Metro will provide new hires (regular status) with an approved telework agreement a one-time allowance of \$200 within their first year of employment and no more than 30 days after the telework agreement has been signed and approved. This one-time allowance is to help purchase any home office equipment or furniture that is not provided by Metro. A regular status employee who transfers/promotes into a position that allows telework is also eligible for this one-time allowance if a) they have an approved telework agreement and b) have not received the allowance prior to this.

## **Workplace Safety**

1. Telework employees are required to review and comply with the Telework Safety Check-List and home ergonomic assessment, available on the MetroNet.
2. Telework employees are expected to set up and maintain the workspace so that it complies with all laws regulating work areas. This includes, but is not limited to following basic safety precautions including:
  - a. Avoid obstructions in the work area
  - b. Eliminate trip and fall hazards
3. Set-up furniture and equipment using ergonomic principles
4. If injured while working at a telework location and during work hours, the telework employee must report the injury to their supervisor immediately.
5. Employees may be covered by workers compensation for any injury which occurs during the course and scope of work. Worker's compensation coverage will not apply to non-job-related injuries that occur in the telework location. The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

## Reimbursable Expenses

1. Metro will only reimburse a telework employee for expenses Metro would have borne if the employee were working in the office. Reimbursable expenses must be approved in advance by the employee's manager.
2. The employee's primary worksite will be used for the purpose of calculating reimbursable expenses for work-related travel. In most circumstances, travel to and from an employee's primary worksite and their telework location shall not be a reimbursable expense.
3. Any Metro computer equipment must be approved and ordered through Information Services. Computer equipment and certain office supplies may be available at Metro worksite locations.

## Termination or Suspension of Telework Agreements

1. Metro has the right to:
  - a. Deny telework opportunities to staff that have been disciplined for improper use of work time or other recent performance issues.
  - b. Require telework employees to attend in-person meetings, events and work-related activities as required for the organization.
  - c. Revoke telework if circumstances of the job or other eligibility criteria change.
  - d. Offer or direct an employee to telework or to terminate a telework/hybrid work arrangement at any time.
2. Telework/hybrid work opportunities may be suspended or employees may be directed to telework due to operational needs.
3. Supervisors should monitor the working arrangement for any negative effects the telework assignment may have on productivity, morale, safety, or workload.

## Responsibilities

### Employees

- Contacting Risk Management if they are interested in a home office ergonomic check.
- Completing the Telework Agreement Form in partnership with their supervisor.
- Working with their supervisor to establish an agreed upon work schedule.

- Being available to their supervisor, coworkers, external stakeholders and clients during their agreed upon work schedule.
- Maintaining their telework location so that they can accomplish their work efficiently and effectively.
- Providing surfaces and desks suitable for work. Common office supplies, such as paper, pencils, pens, and paper clips, etc. can be obtained from the workplace.
- Providing their own internet connection capable of providing sufficient bandwidth to run collaboration and telework applications as well as applications needed for an employee's job duties.
- Reading and familiarizing themselves with security and acceptable use policies.
- Washington State residents, working for Metro and teleworking from home, are responsible for understanding any telework tax implications and the State and IRS filing requirements. Washington state residents will also be responsible for tracking any hours worked in the state of Washington in accordance with Metro guidelines.

### Supervisors

- Evaluating telework requests considering Metro business needs and ensuring compliance with this policy.
- Providing a response to employees requesting telework within 30 days of the request.
- Ensuring telework terms are documented in a Telework Agreement and coordinate approval of the Agreement.
- Ensuring teleworking staff have adequate training and the resources needed to telework.
- Filing and retaining the Telework Agreements within the department.
- Supervising teleworking employees to ensure compliance with all applicable policies and performance and conduct expectations.
- Reviewing telework arrangements annually to ensure continued effectiveness and suitability to the position.
- Ordering computer equipment (through Information Services) suitable for telework. Computer equipment intended for a Metro worksite may not be removed.
- Partnering with human resources prior to denying a telework request.

### Department director

- Developing department-specific work rules related to telework as needed specific to the operational needs of that department and ensure review and approval of work rules by Human Resources.
- Ensuring that Telework Agreements are filed and retained at the department level in accordance with record retention guidelines.

### Human Resources

- Providing guidance on the application of this policy.
- Providing guidance to managers about decisions to deny telework
- Review, provide feedback and approve any telework work rules drafted by departments for compliance with policies and collective bargaining agreements.

### Information Services

- Publishing equipment and software standards, guidelines for remote access and security protocols as needed in support of telework program.
- Setting up, auditing, and closing out remote access systems to ensure consistency with technical standards and security protocols.

### Capital Asset Management

- Maintain and administer a central equipment tracking database for and procedure for telework equipment and provide training and support to assigned department coordinators on database and procedures as required;
- Review and approve any department-specific processes for telework equipment tracking.

## **References**

Conduct Expectations policy

Metro Resources: Acceptable Use policy

Information Technology: Acceptable Use policy

Information Services: Security Policy

Records and Information Management policies and procedures

Remote Records Management guidance

Baseline Equipment for Teleworkers