

16. Hybrid Work Policy

Recommendation:

A. Adopt Personnel Policies and Procedures Manual Policy V-08 -Hybrid Work Program; and

B. Authorize the City Administrator to execute and distribute the Policy to all City Employees.

City Council Agenda Report

Meeting Date: July 18, 2023
From: Michael Earl, Director of Human Resources
Department: Human Resources
Submitted by: Michael Earl, Director of Human Resources

Subject

Hybrid Work Policy

Recommendation

- A. Adopt Personnel Policies and Procedures Manual Policy V-08 -Hybrid Work Program; and
- B. Authorize the City Administrator to execute and distribute the Policy to all City Employees.

Background

The Human Resources Department is responsible for maintaining and administering the City's Personnel Policies and Procedures Manual which contains a variety of policies affecting City employees.

One of the significant impacts from the 2020 global public health pandemic was a change in how workplaces conduct business. Across every industry, remote work, Zoom meetings, and flexible work environments became necessary for continued operations. Post-pandemic, these changes have become the norm and are both more accepted by management and expected by workers. Managed properly, hybrid work programs have proven to be successful in maintaining productivity and improving employee morale and retention. Staff is recommending City Council approval of a Hybrid Work Policy for City employees that would allow for implementation of a schedule that combines both on-site and remote work.

The key factors in determining an employee's participation in the City's Hybrid Work Program include, but are not limited to:

- Compatibility of remote work with the employee's job duties and responsibilities.
- Whether the employee has the knowledge needed to perform their job duties remotely.
- Whether the employee can perform their job duties remotely including:
 - Completing expected work and producing deliverables with minimal supervision.
 - Responding to inquiries from customers, including co-workers, in a timely manner.
 - Demonstrated ability to establish appropriate priorities and manage time effectively.
 - Entering, reviewing, processing and/or approving information and data accurately and timely.
 - Properly receiving and following direction from supervisors.
- Employees having an overall rating of "Satisfactory" or the equivalent on their most recent performance evaluation (not applicable to newly hired employees).
- Departmental need for the employee to perform work on-site or to have minimum on-site staffing levels.
- Whether an employee with supervisory responsibilities can effectively communicate, interact, and oversee the work of others.
- Whether the employee has the equipment, internet connection/access, and other information technology resources needed to work effectively from the remote work site,

and the proposed remote work site allows the employee to perform productive work in a safe manner.

Requests for participation in the Hybrid Work Program would require approval from the employee's supervisor, Department Director, and Human Resources. Under the policy, remote work would be limited to no more than 50% of the employee's weekly scheduled hours. An employee's participation is discretionary and could be denied, revised, and/or discontinued by City management.

The draft policy was provided to the City's various employee bargaining groups for the opportunity to comment and/or meet and confer; each of which acknowledged receipt, were supportive of the policy, and/or had no suggested revisions.

Establishing a formalized Hybrid Work Policy defines the parameters for participation in the program and contributes to the recruitment and retention of a quality workforce.

Fiscal Impact

There is no fiscal impact associated with this report.

Attachments

1. Personnel Policies and Procedures Manual Policy V-08 - Hybrid Work Program



**City of Vernon, California
Human Resources Policies and Procedures**

Director Human Resources

City Administrator

Number: V-08 Effective Date: _____

HYBRID WORK PROGRAM

PURPOSE:

The purpose of this policy is to establish a more flexible work schedule, attract and retain a high quality workforce, enhance employee quality of life and work/life balance issues, reduce automobile-related air pollution, energy consumption, and traffic congestion, enhance the City's efforts to employ and accommodate employees with disabilities, including employees who have temporary or continuing work restrictions; reduce office space, parking space, support and complement a trip reduction program, and to address general and/or public health emergencies.

DEFINITION:

Hybrid Work is an arrangement whereby an employee performs the duties of their position in the office or worksite and from a remote location other than their regular workplace for a specified period. Hybrid work may be granted or assigned under appropriate circumstances to employees whose job duties are suited to such an arrangement. This Hybrid Work Policy is supplemental to the City's Administrative Policy Manual, Section 5.1 Information Technology - Electronic Equipment and Systems Use Policy.

POLICY:

Hybrid Work is not a vested employee benefit or right, and an employee's participation in the Hybrid Work Program is generally considered voluntary and requires supervisory approval in advance. Requests for Hybrid Work need Department Director and Director of Human Resources approval prior to an employee participating in the program.

The City retains the right to refuse to make Hybrid Work available to an employee or to terminate a Hybrid Work arrangement at any time.

All remote access to the City's systems shall be secured by a Virtual Private Network (VPN) and shall be used in accordance with the City's Electronic Equipment and Systems Use Policy, Section 8, Virtual Private Network (VPN) Remote Access to City Resources. Employees participating in the Hybrid Work Program shall use a City-owned computer for remote work. Certain limited exceptions may be granted with approval from the Information Technology Division. The use of unsecured publicly accessible Wi-Fi networks while working remotely is discouraged unless there are urgent or emergent circumstances necessitating their use.

Employees approved for Hybrid Work Program participation are required to work in a private area where third parties cannot view or access their work and secure their workstation or equipment and documents when working remotely. Employees seeking to perform remote work

in locations other than their private living quarters shall be required to get pre-approval of alternate remote work sites from their supervisors.

Employee salary and benefits, including application of sick leave and vacation leave accrual and usage shall not change or be modified due to participation in Hybrid Work; nor will the employee's job responsibilities change due to participation in Hybrid Work. Professionalism, job responsibilities, and work output expectations and requirements will continue to follow City standards.

The amount of time an employee is expected to work will not change due to participation in Hybrid Work. In the event the physical presence of an employee is required at a work location, function, meeting, or other event, while participating in Hybrid Work, the employee is expected to report to the work location, even if doing so occurs during normally scheduled remote work hours.

Hybrid work employees must manage personal responsibilities such as childcare and other dependent care at their own expense (i.e. cost of childcare/dependent care during work hours) and in a manner that allows job responsibilities to be successfully met as if they were working at their primary workplace. Participation in hybrid work may not be used as a substitution for child, dependent, or elder care, or for other purposes when the use of paid or unpaid leave is appropriate. In the event an employee's availability changes on a remote workday, they are to notify their supervisor to request use of appropriate leave.

The total hours/days an employee may work remotely under this Hybrid Work Policy shall not exceed fifty percent (50%) of their regularly scheduled work hours per week. Employees must remain available and accessible during periods of remote work in a similar manner to that expected while at the worksite.

The City Administrator, or designee, shall be the final approval authority for Hybrid Work requests and there shall be no appeal from their decision.

The laws relating to workers' compensation and insurance shall be applicable to the City and affected employee. Employees participating in the Hybrid Work Program are expected to maintain their remote workspace in a safe manner, free from hazards. The City will provide each employee with a Safety Checklist to be utilized to assess their remote workspace and shall be submitted with their Hybrid Work Program Request Form.

ELIGIBILITY

Full-time employees working in positions deemed by management suitable for remote work may be considered to participate in a Hybrid Work arrangement. Not all positions are appropriate or feasible for remote work. Newly hired employees and temporary workers may be included at the discretion of the Department Director.

To be eligible to participate in the Hybrid Work program an employee must have no record of performance problems or disciplinary actions, including attendance issues, within the preceding two years.

Under certain limited circumstances such as a Federal, State, or local emergency, the City may require employees to work remotely. Typically, emergency situations in which employees may be required to work remotely may include when work areas are not physically accessible or

when the health and safety of the workforce necessitates the City Administrator to direct employees to NOT report to work.

The eligibility for participation in the Hybrid Work program is based on a number of position specific and departmental factors and considerations including, but not limited to:

- Compatibility of remote work with the employee's job duties and responsibilities
- Whether the employee has the knowledge needed to perform their job duties remotely
- Whether the employee can perform their job duties remotely including:
 - Completing expected work and producing deliverables with minimal supervision
 - Responding to inquiries from customers, including co-workers, in a timely manner
 - Demonstrated ability to establish appropriate priorities and manage time effectively
 - Entering, reviewing, processing and/or approving information and data accurately and timely
 - Properly receiving and following direction from supervisors
- Employees having an overall rating of "Satisfactory" or the equivalent on their most recent performance evaluation (not applicable to newly hired employees)
- Departmental need for the employee to perform work on-site or to have minimum on-site staffing levels
- Whether an employee with supervisory responsibilities can effectively communicate, interact, and oversee the work of others
- Whether the employee has the equipment, internet connection/access, and other information technology resources needed to work effectively from the remote work site, and the proposed remote work site allows the employee to perform productive work in a safe manner
- Impact to the employee's work group, division, department, and/or City
- Other job-related considerations deemed necessary and appropriate and consistent with business necessities as determined by the employee's Department Head or City Administrator.

No additional costs shall be incurred as a result of participation in the Hybrid Work program. Hybrid Work employees will be required to designate a specific workstation within their homes, and any modifications to spaces within the employee's home will be at the employee's expense.

Factors to consider in determining whether a specific employee is eligible for Hybrid Work shall include, but are not limited to:

1. The nature of the job requires the employee's physical presence (e.g., in-person customer services or supervision of other employees).

2. The employee's performance evaluation does not indicate sustained high performance.
3. The employee's productivity level is problematic.
4. The employee's current assignment requires frequent supervision, direction, or input from others.
5. The employee has received disciplinary action or has a demonstrated attendance problem.
6. The existence of an emergency situation requiring employees to NOT report to the work location.

DURATION

All Hybrid Work arrangements are granted on a temporary and revocable basis and may be discontinued upon direction of the Department Director. Hybrid Work arrangements must be reviewed on a regular basis and no less frequently than as part of the employee's annual performance evaluation.

Short term Hybrid Work arrangements may be implemented, particularly in emergency situations as referenced above.

PROCEDURE

Employee requests for participation in the Hybrid Work program are initiated by the employee completing a Hybrid Work Request Form for routing to the employee's immediate supervisor, Division Manager, and Department Director, as applicable. Following review by the Department Director, request forms are submitted to the Director of Human Resources for review.

The approval of Hybrid Work schedules shall be made on a case-by-case basis at the discretion of the Department Director with approval of the Director of Human Resources. The City Administrator retains final authority for the continuation of Hybrid Work within the organization. Denial of a Hybrid Work request shall not be appealable under any City policy. Prior to submitting a request to the Director of Human Resources for approval, the employee and supervisor shall ensure that the following criteria have been met:

1. The nature of the work to be performed remotely is operationally feasible;
2. The work to be performed remotely by the employee is done in a cost effective manner;
3. The terms and conditions of employment as reflected in the applicable memorandum of understanding and all existing City policies, rules, and regulations shall continue to apply; and
4. The details of the arrangement have been sufficiently discussed and agreed upon between the participating employee and the supervisor (e.g., duration of the

arrangement, the specific days the employee will work remotely; hours of work, location, work objectives and expected results, liability issues, etc.).

All requests for City-owned equipment, software, and supplies shall be recommended by the Information Technology Division and approved by the Information Technology Manager. Network equipment requirements shall be decided by the Information Technology Division on a case-by-case basis, in collaboration with the Department Director, and shall be provided in accordance with the following guidelines:

1. Where the City provides the equipment, the City will assume responsibility for normal maintenance and repair; and
2. Where the employee uses his or her own equipment, the employee is responsible for normal maintenance and repair.
3. The City discourages Hybrid Work employees from taking confidential City information to the alternate work location. Duplicating or disclosing confidential or proprietary information, unless it serves a City business necessity, is strictly prohibited. When working remotely, employees are required to maintain the same level of confidentiality of all City information as they would at their regular work location. Any breach of confidential information by the employee may result in modification or withdrawal of Hybrid Work privileges, termination of the Hybrid Work arrangement, and/or disciplinary action, up to and including termination.
4. All work product is the property of the City regardless of whether the work product is created or modified on a City-owned or personal device. As such, Hybrid work product is subject to the Public Records Act. This includes, but is not limited to: notes, data, reference materials, sketches, drawings, memoranda, reports and records.
5. The employee shall be responsible for all costs associated with obtaining and/or maintaining all technology infrastructure (i.e. internet access) to allow remote access while participating in the Hybrid Work program.