

COVID-19 Pandemic
Temporary Addendum to Marion County Personnel Rules
Regarding Telecommuting

PURPOSE: The purpose of this temporary policy is to recognize that the novel coronavirus, also known as COVID-19, has impacted Marion County locally. Our employees are at the forefront of our concern as we work to adapt quickly to this emerging public health threat and navigate new business practices in order to continue to serve our community to the best of our abilities. It is in times like these that our community needs our services the most.

Marion County is adhering to the recommendations of the Centers for Disease Control and the Oregon Health Authority regarding preventative measures including social distancing, quarantines, and curtailment of non-essential county functions. The county will continue to adjust as the recommendations of these agencies change. Department heads and supervisors should do their best to assist staff in implementing these guidelines to the best of their ability. Marion County's priority is to maintain essential services and critical business needs as defined by department head or designee while allowing for work location flexibility when work can be performed remotely.

This policy applies to work that may be performed outside of the office on a temporary basis during the time period covered by the COVID-19 Emergency Declaration issued by the Board of Commissioners. Marion County's priority is to maintain essential services and critical business needs as defined by department head or designee. The employee's supervisor and the appropriate department head must approve all temporary telework arrangements. This temporary policy creates no employee rights in relation to telework.

AUTHORITY: This temporary policy is authorized by the chief administrative officer per the Preface of the Personnel Rules and Regulations and will be added as an addendum thereto.

DEFINITIONS:

1. Novel Coronavirus/COVID-19: A respiratory disease caused by a novel (new) coronavirus. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").
2. Telecommuting: A work arrangement in which the employee works outside the normal work site, often working from home.

ELIGIBILITY: Employees whose work may be performed remotely are eligible to apply to telecommute under this policy. Their work shall be of a nature wherein face-to-face interaction is minimal or may be scheduled to permit teleworking. Not all employees will qualify or be eligible to telecommute.

APPLICATION: Employees who desire to work at some place other than the primary workplace on specified days shall complete the COVID-19 Telecommuting Agreement and submit it their supervisor or department head.

Each telework schedule needs to allow adequate time at the primary worksite for meetings, access to facilities, supplies, and communication with other employees and customers. Telework must not adversely affect customer service delivery, employee productivity, or progress of an individual or team assignment.

The supervisor/department head shall consider an employee request to telework in relation to the operational and customer needs of the department. The supervisor will take into consideration the whether the work can be performed remotely and the overall impact of the teleworker's total time away from the primary worksite. The supervisor will also consider the applicant's demonstrated conscientiousness about work time and productivity, and their work habits, including their ability to be self-motivated and have minimal face-to-face daily supervision.

All requests are subject to approval by the appropriate department head.

AGREEMENT: Employees who are approved for temporary telework shall sign and abide by a telework agreement; the agreement may require modification to fit individual telework-site circumstances. A copy of the agreement shall be retained in the employee's personnel file.

Unless otherwise stated in the agreement, the supervisor or department head may discontinue the arrangement, with 24 hours of notice.

GENERAL PROVISIONS

1. **Business Meetings.** The employee must attend onsite business meetings as required.
2. **Communication.** While teleworking, the employee shall be reachable by telephone, fax, pager, or e-mail during agreed-upon work hours. The employee and supervisor shall agree on expected turnaround time and the medium for responses.
3. **Conditions of Employment.** The teleworker's conditions of employment shall remain the same as for non-teleworking employees; wages, benefits and leave accrual will remain unchanged.
4. **Equipment.** Home worksite furniture and equipment shall generally be provided by the teleworker. In the event that equipment and software is provided by Marion County at the telework-site, such equipment and software shall be used exclusively by the teleworker and for the purposes of conducting County business. Software shall not be duplicated. The parties shall consult with the support manager regarding the availability of equipment to loan. If the County provides equipment, the teleworker is responsible for safe transportation and set-up of such equipment.
5. **Equipment liability.** The employee will be responsible for: any intentional damage to the equipment; damage resulting from gross negligence by the employee or any member or guest

of the employee's household; damage resulting from a power surge if no surge protector is used; maintaining the current virus protection for software. The county may pursue recovery from the teleworker for County property that is deliberately, or through negligence, damaged, destroyed, or lost while in the teleworker's care, custody or control. Damage or theft of County equipment that occurs outside the employee's control will be covered by the County. Teleworkers should check their homeowner's/renter's insurance policy for incidental office coverage. Marion County does not assume liability for loss, damage, or wear of employee-owned equipment.

6. **Dependent Care.** *Previous definition removed to match federal law.
(Per Jan Fritz 04/01/2020)*
7. **Home Work Site.** The teleworker must establish and maintain a dedicated workspace that is quiet, clean, and safe, with adequate lighting and ventilation. The teleworker will not hold business visits or meetings with professional colleagues, customers, or the public at the home worksite.
8. **Hours of Work.** The teleworker will have regularly scheduled work hours agreed upon with the supervisor, including specific core hours and telephone accessibility. The agreed upon work schedule shall comply with FLSA regulations. Overtime work for a non-exempt employee must be pre-approved by the supervisor. The teleworker will attend job-related meetings, training sessions and conferences, as requested by supervisors. In addition, the teleworker may be requested to attend "short-notice" meetings. The supervisor will use telephone conference calling whenever possible as an alternative to requesting attendance at "short-notice" meetings.
9. **Incidental Costs.** Unless otherwise stated in the Telework Agreement, all incidental costs, such as residential utility costs or cleaning services, are the responsibility of the teleworker.
10. **Inspections.** In case of injury, theft, loss, or tort liability related to telework, the teleworker must allow agents of Marion County to investigate and/or inspect the telework site.
11. **Injuries.** The employee will be covered by workers' compensation for job related injuries that occur in the designated workspace, including the teleworker's home, during the defined work period. In the case of injury occurring during the defined work period, the employee shall immediately report the injury to the supervisor. Workers' compensation will not apply to non-job related injuries that might occur in the home. Marion County does not assume responsibility for injury to any persons other than the teleworker at the telework-site.
12. **Intellectual Property.** Products, documents, and records developed while teleworking are property of Marion County.
13. **Leave.** The telework employee must obtain supervisory approval before taking leave in accordance with the County policy.
14. **Network Access.** Network access is not guaranteed. Employees should plan for off line work when possible.
15. **Office Supplies.** Marion County shall provide any necessary office supplies. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed.

16. **Performance & Evaluations.** The supervisor and teleworker will formulate objectives, expected results, and evaluation procedures for work completed while the employee is teleworking. The supervisor will monitor and evaluate performance by relying more heavily on work results rather than direct observation. The supervisor and telework employee will meet at regular intervals to review the employee's work performance.
17. **Personal Business.** Telework employees shall not perform personal business during hours agreed upon as work hours.
18. **Policies.** Marion County Administrative Policies, rules, and practices shall apply at the telework site, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety. Failure to follow policies, rules and procedures may result in termination of the telework arrangement and/or disciplinary action.
19. **Quality of Work.** All work shall be performed according to the same high standards as would normally be expected at the primary worksite.
20. **Questions.** If you have questions about the telework program, or you would like to access training material, contact the county Human Resources Department, at (503)566-3999.
21. **Reassignment:** Employees may be reassigned to alternative work locations or work assignments to meet county needs.
22. **Record Retention.** Record retention policies apply. Products, documents, and records that are used, developed, or revised while teleworking shall be copied or restored to the county's computerized record system. Whenever possible, all telework related information shall be stored in a directory designated for telework and this information shall be backed up on a disk or on a server or an approved flash drive. Security and confidentiality shall be maintained by the teleworker at the same level as expected at all work sites.
23. **Security.** Security and confidentiality shall be maintained by the teleworker at the same level as expected at all worksites. Restricted access or confidential material shall not be taken out of the primary worksite or accessed through a computer unless approved in advance by the supervisor. The teleworker is responsible to ensure that non-employees do not access County data, either in print or electronic form.
24. **Taxes.** A home office is not an automatic tax deduction. Teleworkers should consult with a tax expert to examine the tax implications of a home office.
25. **Telephone/Internet Expenses.** The teleworker will be responsible for their own internet and phone access.
26. **Travel.** The teleworker will not be paid for time or mileage involved in travel between the telework-site and the primary worksite.

EXCEPTIONS: Exceptions to this temporary policy may only be granted by the chief administrative officer or designee. Any situation or circumstance not covered in this temporary policy shall be governed by existing Marion County Personnel Rules or other county administrative policies and procedures.

IMPLEMENTATION: Elected officials, department heads, and all supervisory staff are responsible for implementing this policy within their respective departments.

REVIEW: This temporary policy shall be attached as an addendum to the Marion County Personnel Rules and reviewed by human resources and the chief administrative officer at least every 14 days and updated or revoked as necessary. This temporary policy allowing telework is only in effect during the time period covered by the COVID-19 Emergency Declaration issued by the Board of Commissioners.