



Santa Barbara Countywide Policy Manual

Subject/Title: Hybrid Remote Work Policy	Number: 2.1.31
Responsible Department: Human Resources	Dept. Reference: N/A
Approved by: Board of Supervisors	
Original Policy: 03/31/11 Revisions: 5/3/7/12/2022 , <u>2/28/2023</u>	
Meet and Confer Obligations: Proposed policy will be circulated to all <u>All</u> recognized employee organizations	
Scope of Application: This policy replaces and supersedes all other County and department policies regarding remote work, including the March 2011 Teleworking Policy. County departments may develop department specific implementation/ supplemental procedures that align with this policy.	

Purpose

The County of Santa Barbara recognizes that a fair, transparent, and flexible work environment keeps the organization resilient and operational in a changing world. The County's Commitment to Workplace Flexibility is a fundamental driver of the County's values and demonstrates an active commitment to the public through accountability, customer focus, equity, inclusion, innovation, trust and ethics. The County's commitment to workplace flexibility is conveyed through diverse organizational approaches, including the Hybrid Remote Work Policy, outlined in this document. The County of Santa Barbara supports the increased and appropriate use of remote work arrangements and considers remote work to be of value to both the County and employees as it:

- Allows greater workplace flexibility, which underscores the County's transformative efforts to revision the County's future, respond to business

challenges, and redesign policies, programs and workspaces to better meet the external forces and changes.

- Recognizes the interconnectedness and importance between a healthy organization that can effectively respond to a rapidly changing environment and a workforce that has the opportunity to meet their individual and personal demands with dignity.
- Facilitates the process of finding creative ways to incorporate flexibility as an integral part of the way the County provides public services to the community.
- Helps the County attract and retain diverse employees to the workforce by providing appealing and flexible remote work location arrangements and schedules.
- Promotes cleaner workforce mobility solutions that reduce peak-hour traffic congestion, parking demands, and greenhouse gas emissions.
- Ensures the continuity of government by expanding work site alternatives during emergencies.

POLICY: The County recognizes that having a hybrid-remote organizational structure will provide greater flexibility in the types of remote work arrangements offered and locations from where employees may perform work. A hybrid-remote organizational structure is a work style that enables our organization to create and blend teams made up of onsite employees and remote work employees. Remote work refers to a flexible work arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from a primary remote workspace other than a County-owned or County-leased work space. Remote work must maintain or improve service delivery and productivity for the employee, colleagues, public, and customers. It should not require more time or cost to complete work remotely than it would in the normal work setting. Though not all jobs and not all individuals are suitable for remote work, the County of Santa Barbara is committed to increasing the use of remote work for work assignments and individuals that qualify under this policy in a secure, fair, and transparent manner.

- The Department Head or designee has the exclusive right to approve which positions and/or duties are suitable for remote work, and to grant, modify, or revoke permission for individual employees to work remotely according to the guidelines in this policy.
- Remote work agreements are voluntary, joint decisions between the department and employees, and may be terminated by either the department or the employee at any time.
- Remote work is neither a right nor an entitlement, but a tool to allow flexible work options.
- Remote work will not adversely affect an employee's eligibility for advancement or promotion, or any other employment rights or benefits.
- The Department Head shall ensure supervisors and managers who will be supervising remote workers are trained to sufficiently supervise a remote employee.
- Terms and conditions of employment with the County of Santa Barbara remain the same regardless of work site. The employee's salary, retirement, benefits, and insurance coverage does not change as a result of in-state remote work.

- The department and remote workers remain obligated to comply with all County of Santa Barbara rules, regulations, policies, procedures, MOU provisions, and federal, state, and local laws
- Remote workers are still expected to respond as a California Disaster Service Worker (DSW) in times of an emergency. The Department Head or designee determines the remote worker's level of support as a DSW and the impact, if any, to the remote work arrangement.

ELIGIBILITY REQUIREMENTS/ CRITERIA

Departmental managers and/or supervisors will determine whether remote work is appropriate, based upon job duties and the employee in the position. If the employee and job duties are determined to be suitable for remote work, the manager and/or supervisor will use the County's Distributed Teams Hybrid Work Model to identify the suitable remote work level for the remote work arrangement.

A. The following criteria are used to evaluate whether an **employee is suitable for a remote work arrangement**

A remote worker that will be placed into one of the Distributed Teams Hybrid Work Model levels described below needs to be a self-starter in nature, committed to producing quality and timely results, self-disciplined, highly motivated, and comfortable working alone. Other important characteristics include:

- Ability to work independently and with minimal supervision;
- Demonstrated ability to achieve performance objectives and meet or beat deadlines; and
- Maintaining good working relationships and communication with supervisor and co-workers.

An employee who demonstrates the characteristics detailed above with a desire to remote work may qualify for remote work once their job duties are evaluated based on the Distributed Teams Hybrid Work Model levels.

B. The following criteria are used to evaluate whether **a job is suitable for remote work arrangement** based on the extent to which:

- The job or parts of the job can be accomplished from a remote work location and includes elements that allow employees to work independently performing tasks such as writing, editing, reading, planning, designing, researching, making telephone calls, scheduling, file review, case management, troubleshooting, complaint resolution, report compilation, computer programming, word processing, and data entry;
- Communication requirements can be achieved through virtual methods such as a telephone, cell phone, voice mail, email, scanning/faxing, web-based meetings, etc. at a minimum or no cost to the County;

- Outcomes, outputs, and work products can be clearly defined and measured; and
- The job schedule has flexibility, while still ensuring compliance with the Fair Labor Standards Act (FLSA).

Once the employee and job duties are determined to be suitable for a remote work arrangement, the manager and/or supervisor will use the County's Distributed Teams Hybrid Work Model to determine the accurate level for remote work. Below is a brief description of each level:

1. Level 1: Fully remote
 - a. Employee works in an exclusively remote work environment.
 - b. Does not need to be onsite to accomplish job duties or interact with others
2. Level 2: Structured remote
 - a. Employee works in a remote work environment based on a set schedule
 - b. Will need to be onsite for regularly scheduled work duties or interactions with team members
3. Level 3: Custom remote
 - a. Employee works in a remote work environment based on a varied and/or flexible schedule
 - b. Will be onsite only when needed to accomplish job outcomes that require onsite resources or interactions with others

REQUEST FOR A REMOTE WORK ARRANGEMENT

- Each position and employee must be approved for a remote work arrangement by submitting a **Remote Work Request and Decision form** to departmental management
- The **Remote Work Request and Decision form** outlines the following:
 - The Distributed Teams Hybrid Work Model level of the position
 - A primary remote workspace where the employee will typically conduct business (must be in the state of California, [see Employee Responsibilities & Expectations #3](#))
 - Appropriate communication methods and channels
 - A documented estimate of the potential cost to the County, if any
 - Training requirements (i.e. ergonomic, safety, security, remote work supervision, etc.)
- Once the **Remote Work Request and Decision form** is submitted, the Department Head or designee will review and give final approval or denial within 30 calendar days
- If approved, remote workers and their departments will jointly sign the agreed upon **Remote Work Request and Decision form** and establish the start date of the remote work schedule.
- If denied or modified, the Department Head or designee will indicate on the **Remote Work Request and Decision form** the rationale for denial or modification.

- Any supervisor or manager, with the consent of the Department Head or designee, may initiate discussions with employees occupying suitable jobs to discuss a remote work arrangement. In addition, these discussions can be conducted with prospective employees who may be more inclined to accept employment with a more flexible job arrangement.
- A current remote work employee has the right to request a modification to their remote work arrangement by re-submitting a **Remote Work Request and Decision form**. Management will review the request and determine the feasibility of granting this request within 30 calendar days of the request form being submitted.
- A current remote work employee has the right to terminate their remote work arrangement by re-submitting a **Remote Work Request and Decision form**. If an employee submits notification to terminate a remote work arrangement, management will inform the employee within 30 calendar days after notification of the proposed date to resume working in the office. Management has the right to place returning employees into available workspaces or different work locations based on potential workspace capacity and the department's business needs.

DEPARTMENT'S RESPONSIBILITIES

1. Administering the remote work program and all requirements is under the authority of the Department Head or designee, with general oversight by County Human Resources.
2. The department may establish its own supplemental guidelines, which are not in conflict with this County policy, for submitting remote work requests, determining the duration of the remote work agreement, and reviewing and/or terminating the remote work agreement.
3. The right to approve or deny any remote work arrangement request is at the discretion of the Department Head or designee. A decision must be provided within 30 calendar days of receipt of the **Remote Work Request and Decision form**.
4. The department must ensure as part of the approval process that primary remote workspace addresses are locations in California, with very limited exceptions.
 - a. One exception to the state location requirement is for previously approved out-of-state employees, who have been granted an exemption to this requirement by their department and the County
 - b. The second exception is for difficult-to-fill positions. To qualify under this exemption, departments will need to seek approval from the County Executive Officer (CEO) and the County Human Resources (HR) Director before offering this arrangement to an employee
 - a.c. Departments will be responsible for submitting required reporting to County HR for any approved out-of-state remote work arrangements
- 3-5. The department shall have the right to modify, or revoke the conditions of the remote work agreement. When modifying or revoking the conditions of a remote work arrangement, the department, when feasible, will provide an employee with at least fourteen (14) calendar days' notice.

- 4.6. During a declared emergency, the Department Head or designee is responsible for determining what the remote worker's level of support as a California Disaster Service Worker (DSW) entails. This could include temporarily modifying, or revoking the remote work agreement in order to support the County's response to the declared emergency.
- 5.7. Should a remote work request be denied, or an existing remote work agreement be modified or revoked, the decision is not subject to the grievance procedure or any other appeal, except as provided for in this subsection (a) of this paragraph. The department may not deny, modify or revoke a remote work arrangement for arbitrary or capricious reasons and will provide the rationale for denial or modification.
- a. In the event that the department fails to provide a rationale or it is alleged to have denied, modified or revoked a remote work request or existing remote work agreement for arbitrary or capricious reasons, then the employee shall have the right to file an appeal to the Director of Human Resources.
 - i. In the event that no rationale is provided within 30 calendar days of the employee's request, then the employee shall have 14 calendar days after the expiration of said 30-day period to file an appeal.
 - ii. In the event that a rationale is provided which is alleged to be arbitrary or capricious, then the employee shall have 14 calendar days after the denial, modification, or revocation to file an appeal.
 - iii. The Director of Human Resources shall provide a response to the employee within 21 calendar days of any such appeal. The decision of the Director of Human Resources shall be final.
- 6.8. Refer any questions related to remote work schedules, as they apply to FLSA or other labor relations issues, to the department's Human Resources unit or County Human Resources.
- 7.9. Any changes in the employee's schedule that impact the approved work week/workweek schedule will require the department to submit an appropriate County Designated or Alternative Work Week Schedule form to Auditor-Controller.
- 8.10. The department will be responsible for ensuring remote work hours are properly coded to Auditor-Controller's remote work payroll code on employees' timesheets. The remote work payroll code will be used, not to instruct pay, but to track remote work hours for ongoing reporting to the Board of Supervisors and to ensure workplace flexibility goals are met.
- 9.11. Refer any questions related to payroll to the Auditor-Controller's Office.
- 10.12. The department is responsible for providing the employee access to the County Network from the employee's primary remote workspace.
- 11.13. Computer equipment, software, and other equipment/resources provided by the County for use at the primary remote workspace or an alternate location

remain the property of the County of Santa Barbara. The department will inventory and make record of all County property assigned to the employee.

- ~~12.14.~~ Technology, criteria, or processes to track productivity or output should be used and/or modified to be consistent with the onsite expectations of an employee.
- ~~13.15.~~ The department will outline the employee's expected work performance in the Employee Performance Review (EPR) document and evaluate them on an ongoing basis.
- ~~14.16.~~ The department will ensure the employee's home address and telephone number will remain confidential and will not be released to the public or any unauthorized persons.
- ~~15.17.~~ The Department will coordinate with the County Disability Manager to review and process any new or revised reasonable accommodation requests for employees remote working as outlined under the Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA).

EMPLOYEE'S RESPONSIBILITIES AND EXPECTATIONS

1. An employee has the right to request a remote work arrangement and submit the **Remote Work Request and Decision form** to their manager and/or supervisor for review.
2. Any time an employee's current job position changes (through transfers, promotions, voluntary demotions), the employee is responsible for submitting a new **Remote Work Request and Decision form** to evaluate the appropriateness of remote work within the new position.
3. Employee will have a primary remote workspace agreed to by the supervisor and maintained by the remote worker. If there are any changes to the remote worker's primary workspace, it will be at the discretion of the Department Head or designee how to manage and approve any change.
 - a. The primary remote workspace address must be within the state of California, with very limited exceptions
 - i. One exception to the state location requirement is for previously approved out-of-state employees, who have been granted an exemption to this requirement by their department and the County
 - ii. The second exception is for difficult-to-fill positions. To qualify under this exemption, departments will need approval from the County Executive Officer (CEO) and the County Human Resources (HR) Director
- ~~3.4.~~ Employee will abide by all County of Santa Barbara policies regarding attendance and hours worked (i.e. all leave requests, overtime).
- ~~4.5.~~ Employee will be accessible during the agreed-upon remote work schedule, regardless of work location, and as outlined in the **Remote Work Request and Decision Form**.
- ~~5.6.~~ Employee will adhere to the established work arrangement as agreed in the **Remote Work Request and Decision Form**. Employee is responsible for receiving appropriate departmental approval for any arrangement modifications.

- ~~6-7.~~ Employee will appropriately code all hours spent remote working on their bi-weekly timesheets, in addition to recording normal work hours.
- ~~7-8.~~ Employee must comply with all federal, state, and local laws, in addition to all County and departmental policies and procedures just as when working onsite. This includes but is not limited to Health Insurance Portability and Accountability Act (HIPAA), Clean Commute incentives, County security, privacy and confidentiality policies and guidelines. Remote work arrangements do not qualify for the TDM benefit.
- ~~8-9.~~ The employee's violation of any County policies, misuse of County time or any County-provided equipment may result in exclusion from the remote work arrangement and/or disciplinary action, up to and including termination of employment.
- ~~9-10.~~ Employees are responsible for serving and responding as a DSW within the timeframe their department or the Director of Emergency Services requests during a declared emergency.
- ~~10-11.~~ In the case of an employee needing to respond in person to serve as a DSW, the employee is responsible for all of their associated housing and/or transportation needs and the costs incurred during the declared emergency.
- ~~11-12.~~ Employee will need to review and complete a **Safety and Security Checklist** before remote work commences. If an employee's primary remote workspace is significantly modified, a new **Safety and Security checklist** will need to be completed.
- ~~12-13.~~ Employee will be responsible for the ergonomics of their primary remote workspace, and will need to complete the required ergonomics training outlined in their **Remote Work Request and Decision** form, comply with the County's Risk Management Ergonomic resources and maintain an appropriate ergonomic working environment.
- ~~13-14.~~ Employee will follow the County's Worker's Compensation process of reporting any work-related injury to the employee's supervisor and appropriate departmental staff. The employee will abide by and participate in the County's Risk Management inspections and investigations process when these work-related injuries are reported.
- ~~14-15.~~ Employee remains liable for injuries to third persons and members of the employee's family on the employee's premises. The County of Santa Barbara is not liable for damage to the employee's real property.
- ~~15-16.~~ An employee is prohibited from conducting face-to-face County business in a remote work environment without written authorization from their Department Head or designee, except for inspections, delivery and pick-up of work materials, equipment maintenance, and receipt of work assignments.
- ~~16-17.~~ Employee must follow secure practice to protect and prevent unauthorized access to any County equipment and materials, data and systems, privileged/confidential information, as well as public records, both physical and electronic, in their care. County assigned equipment shall not be stored or kept in an exposed area of a vehicle unattended at any time.

- ~~17-18.~~ Failure by the employee to maintain an offsite, primary remote workspace that is safe, ergonomically sound, cyber-secure to protect the County's network, and free from distraction so as not to interfere with work, as determined by management, provides cause for terminating an employee's remote work arrangement.
- ~~18-19.~~ An employee must provide Internet network connectivity with reasonable speeds to successfully complete assigned work.
- ~~19-20.~~ Employees should be aware that, if they use a personal electronic device (i.e., phone, computer, etc.) to conduct County business, documents on those devices can be subpoenaed for legal matters and may be deemed "public records."
- ~~20-21.~~ When conducting County business, all County rules regarding the use of computers and the Internet apply while an employee is working remotely, regardless of whether the employee is using County provided or personal equipment.
- ~~21-22.~~ All County-owned equipment issued to an employee in order to work remotely must be returned to the County upon termination of a remote work arrangement.
- ~~22-23.~~ The employee shall keep the Department apprised of any new or revised accommodation requests when remote working as outlined under the Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA).

COSTS

1. The department will provide standard office supplies (pens, paper, pencils, etc.) to remote workers as it would onsite employees.
2. It is the goal for the department to provide the employee with the County's Standard IT Equipment Package or equivalent equipment when it is financially feasible. Departments need to ensure that, minimally, the equipment provided to the employee ensures a successful remote work arrangement.
3. At its discretion, the department may enhance the Standard IT Package with additional software and/or equipment, or provide reimbursement to an employee who purchases remote work essentials based on the department's available funding.
4. The **County is responsible** for maintaining, repairing, and replacing County-owned equipment issued to remote workers. In the event of equipment malfunction, the remote worker must notify his/her supervisor immediately. If repairs will take some time, the department will find alternative means to continue the employee's work, including asking the employee to report to the main office until the equipment is usable.
5. As remote work arrangements are voluntary agreements between the County and its employees, the **County is not responsible** for operating costs, home office set up or furnishings, home maintenance costs, or any other incidental costs (i.e. internet, electricity) associated with the use of the employee's primary remote workspace for remote work.
6. No other costs will be covered by the County unless prior written approval is given by the Department Head or designee.

7. Any additional costs associated with working remotely are primarily the responsibility of the remote worker, including maintaining and repairing any equipment/ materials purchased by the employee at their personal expense and on personal time.
8. Tax implications related to the primary remote workspace are the responsibility of the employee. Remote workers are advised to discuss any issues with their tax advisor.
9. Commuting to any onsite or remote work location is generally not reimbursable, however, calling an employee to a County onsite work location from the remote work site, after the work day has begun, *is* considered work time and claims for mileage reimbursement will be handled in accordance with [County policy](#). When in doubt, please contact Auditor-Controller's Office, Financial and Customer Support Division.

RELATED DOCUMENTS/ MATERIALS

- Remote Work Request & Decision Form
- Remote Work Worksheet
- Remote Work Safety & Security Checklist