



4.04 TELEWORK

Purpose

The purpose of this Human Resources Administrative Rule (HRAR) is to define telework guidelines and procedures for City of Portland employees. Used appropriately, teleworking can increase an employee's productivity, mitigate the City's environmental impact by reducing employee commutes, and facilitate a work-life balance that helps the City attract and retain qualified job candidates and employees. The City encourages the use of telework arrangements in situations where it mutually benefits employees, the City, and the City's customers. Not all job positions at the City are appropriate for teleworking; for example, jobs requiring an on-site presence such as mechanical work, maintenance work, or providing public safety services are generally ineligible for teleworking.

Definitions

Telework is defined as working arrangements in which the employee's workplace is located at an alternate worksite outside a City bureau's regular work location(s), such as an employee's residence.

Routine telework is defined as telework which is a regular and recurring part of the employee's work schedule. Employees who routinely telework are required to complete a Telework Agreement Form.

Ad hoc telework is defined as short-term, temporary telework of no more than twelve (12) days per calendar year. Ad hoc telework may be a suitable arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the telework eligibility criteria. Employees do not need to complete a Telework Agreement Form for ad hoc telework.

Telework Eligibility

Before approving a telework request, supervisors and managers will use the following guidelines to evaluate positions and employees for telework eligibility.

A. Position Eligibility

1. An employee's position may be suitable for teleworking when an employee's essential job duties:
 - Include clear work objectives, clearly defined tasks, and measurable deliverables;
 - Are independent in nature and can be accomplished without detrimental impact on work group productivity or customer service;
 - Allow for successful and productive communication with supervisors, colleagues, or members of the public through virtual means such as videoconference or phone calls;
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- Do not require the employee’s ongoing, consistent presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible; and
 - Are not essential to the management of on-site or in-the-field workflow or business operations.

B. Employee Eligibility

1. The employee has adequate internet access in the alternate worksite to perform their assigned duties during teleworking (for security purposes, employees in public safety bureaus might not meet this requirement unless they have City-owned technology that offers secure internet access);
2. The employee is committed to complying with all City rules, policies, practices, [core values](#) and instructions while teleworking, including provisions outlined in HRAR 4.04 and in their Telework Agreement with their supervisor;
3. The employee has the ability and willingness to preserve the confidentiality of sensitive City data and software which may be protected from disclosure by public records and/or copyright laws. This includes ensuring that all unauthorized individuals, including but not limited to the employee’s family and friends, do not have access to confidential City data or software; and
4. The employee understands that their performance expectations must continue to be met while teleworking. Employees who are not upholding City obligations and [core values](#) when teleworking, such as meeting performance or conduct expectations, may be subject to the disciplinary measures described in [HRAR 5.01 Discipline](#).

Telework Approval Process

Generally, before a City employee begins teleworking, or a new hire begins working a remote position, they must complete the following steps:

1. Talk with their supervisor to determine eligibility and potential telework schedule;
2. Read and agree to the content of HRAR 4.04;
3. Complete and sign a [Telework Agreement Form](#);
4. Complete any needed training prior to beginning telework; and
5. Receive manager or supervisor’s final approval, via signature on the Telework Agreement Form.

Note: Ad hoc telework of no more than twelve (12) days per calendar year is permissible with advance authorization of the employee’s supervisor and does not require a Telework Agreement Form. However, ad hoc telework requests and supervisor approval must both be in writing, e.g., an email.

Telework Conditions

Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of City employment. Teleworking employees must still comply with all

City and bureau rules, policies, practices, values, and instructions. This includes, but is not limited to, [HRAR 4.08 Information Technologies](#) and [HRAR 4.09 Use of City Resources](#).

Employee expectations regarding behavior, conduct, and implementation of the City's [core values](#) also continue to apply in virtual work settings. This includes online meetings in which employees participate through live videos or phone calls. During scheduled work hours, the background of live videos should not contain materials that would lead to a violation of [HRAR 2.02 Prohibition Against Workplace Harassment, Discrimination, and Retaliation](#), and the employee should not engage in activities that would violate [HRAR 4.01 Drug & Alcohol Use Prohibited](#) or any other City of Portland HRAR.

Employees with a Telework Agreement are expected to respond to surveys regarding teleworking when requested to do so by the City or their bureau.

General Provisions

A supervisor, manager, Bureau Director, or Commissioner-in-Charge may deny, end, or modify a Telework Agreement at any time for any business-related reason, unless doing so conflicts with Citywide teleworking guidance given during a state of emergency. An employee may request to end or modify a Telework Agreement at any time, provided their request does not conflict with Citywide teleworking guidance given during a state of emergency.

Remote employees are expected to balance personal needs with work obligations and commitments. Employees should reasonably arrange child, elder, or other dependent care as needed to complete their work and actively participate within their team.

Employees who may need a reasonable accommodation when teleworking because of a disability, pregnancy, lactation, or observation of a religious practice should contact their [Human Resources Business Partner](#) (HRBP). For more information, read [HRAR 2.06 Reasonable Employment Accommodations](#).

Work Hours and Availability

Work Hours. The number of hours worked per pay period by the employee will not change because of telework. As part of the telework approval process, employees should work with their supervisor or manager to develop a standard telework schedule and expected work hours to meet the needs of the bureau.

FLSA non-exempt employees (employees who are generally eligible for overtime pay) should not work outside of their scheduled hours when teleworking; for example, FLSA non-exempt employees should not take phone calls or check emails outside of their regular working hours. Any changes to a telework schedule, including potential overtime, must have prior approval from the employee's manager or supervisor. FLSA non-exempt employees are also required to take scheduled breaks and lunches as usual.

For FLSA-exempt employees, the City strongly encourages such employees to adhere to their telework schedule and limit work outside of their regular schedule. FLSA-exempt employees should work with their supervisors to develop expectations of availability outside of regularly scheduled work hours.

Modifying a Telework Schedule. Occasional requests by employees to change their regularly scheduled telework days should be accommodated by the supervisor if possible. Employees must obtain prior approval from their supervisor to change a regularly scheduled telework day.

Availability. Teleworking employees will maintain availability via email, telephone, mobile phone, or as otherwise agreed to by their supervisor during standard work hours or designated specific core hours of availability. Employees who routinely telework must be able to work at their bureau's regular worksite on scheduled teleworking days if needed, unless they are on work-related travel or are otherwise exempted by their supervisor.

Unexpected Inability to Telework. Employees must contact their supervisors if equipment, connectivity, local power failures, or other supply problems prevent them from teleworking. Employees may be required to work at their bureau's regular worksite or use vacation or other compensatory time. If compensatory time is not available, and the employee is unable to either telework or work onsite at their bureau's regular worksite, the employee may be required to take time without pay unless stated otherwise by the Mayor or designee in City guidance provided during a state of emergency.

Travel, Overtime and Leave

City Administrative Rules, collective bargaining agreements, and the Fair Labor Standards Act (FLSA) continue to apply to employees while teleworking. Requests for overtime must receive advance approval from the supervisor. Requests for leave must be approved by the supervisor, in a manner consistent with City or bureau rules.

When teleworking, the City office is the official station for travel expense voucher purposes, except that travel to and from the employee's regular City office and alternate worksite shall not be a reimbursable expense.

Emergencies

During a state of emergency, if the Mayor or designee directs that all eligible employees are required to telework, City offices must permit eligible employees to do so, regardless of whether the employee had a prior telework arrangement. Employees teleworking for more than thirty (30) calendar days due to a state of emergency should complete a [Telework Agreement Form](#) as soon as reasonably possible, but no later than sixty (60) calendar days after they begin teleworking.

In rare circumstances such as a building fire or flood, a Bureau Director may require their bureau's eligible employees to temporarily telework until the damages are repaired.

During periods of inclement weather when the Mayor or designee closes City offices and directs that non-essential City employees will be paid for the day, eligible employees who are scheduled to telework should continue to work as normal. Eligible employees who would otherwise report to the worksite on that day to their regular work location are encouraged to perform their work assignments by teleworking.

Alternate Worksite Requirements

The employee is responsible for selecting an alternate worksite suitable for performing official City business. Requirements for the alternate worksite will vary

depending on the nature of the work and equipment needed. Such requirements may be determined by the bureau.

Teleworking employees must work in an environment that allows them to perform their duties safely and efficiently. Employees are responsible for ensuring their work areas comply with confidentiality, health, and safety requirements. For more information regarding ergonomics, review the Bureau of Risk and Financial Services' (BRFS) [Ergonomic Guidelines for Telework](#). For suggestions on a safe alternative worksite, review BRFS' [Telework Safety Guidance](#).

The City is not liable for damages to an employee's personal or real property while the employee is working at their alternate worksite.

Confidentiality and Security

Teleworking employees and their supervisors must identify any confidential, private, or personal information and records to be accessed remotely and ensure that appropriate safeguards are used to protect them. A bureau may require employees to work in a private or secure location which affords adequate protection when handling confidential or sensitive material and may restrict use of files at the telework site. Bureaus may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality. Employees may not disclose confidential or private files, records, materials, or information, and may not allow access to City networks or databases to anyone who is not authorized to have access.

Telework Product, Document Retention and Public Records

Products, documents, and records used and/or developed while teleworking shall remain the property of the bureau and the City and are subject to bureau and City rules regarding confidentiality and records retention requirements which may make employee-owned computers, cell phones, and storage devices subject to public records, subpoenas, and other evidentiary requests. Accordingly, to the extent employees use their own devices to telework, they are encouraged to keep all documents and records in City-owned systems, such as cloud storage or VPN environments. Employees must comply with requests to search for public records and/or produce for inspection any employee-owned devices used for City work such as computers, cell phones, and storage devices to the extent such inspection is required to comply with public records requests, subpoenas, and other evidentiary requests.

Provisioning of Computer Hardware, Software, Equipment and Supplies

At minimum, employees who are teleworking must have access to a computer and the internet. Employees are responsible for ensuring that they have adequate internet access at their alternate worksite. Bureaus may supply teleworking employees with City-owned computers and other needed equipment within reason (e.g., printer, scanner, or office chair). If these items are not provided by the Bureau, the employee may use their personal furniture and/or computer equipment. If necessary, Bureaus will support the employee in gaining remote access to needed data, software, systems, and networks beyond access to City email and Office 365 applications. For more information on technology options, visit the Bureau of Technology Services (BTS) [Technology for Teleworking](#) page.

A. City Equipment.

1. Per [HRAR 4.08](#), any computer hardware, software, equipment, furniture, and supplies provided by the City are the property of the City and may only be used for City-related business purposes. City standard computer equipment can be found on the [BTS Products Page](#).
2. At the conclusion of the telework arrangement (including separation from employment), the employee must return all City property to the City within fifteen (15) calendar days. If an employee fails to return City-owned property, the City may seek recovery for damages through any and all legal means.
3. A teleworking employee must protect City property from possible theft, loss, and damage. The teleworking employee may be liable for replacement or repair of City property in compliance with applicable laws on negligence or intentional conduct in the event of theft, loss, or damage.
4. A teleworking employee must adhere to all software copyright laws and may not make unauthorized copies of any City-owned software. Employees may not add hardware or software to City equipment without prior approval from their supervisor and without ordering and provisioning it in accordance with BTS requirements.
5. The employee is responsible for converting and maintaining files to City standard formats, e.g., Microsoft Word, Microsoft Excel, or Adobe PDF. The employee is responsible for protecting the integrity and confidentiality of copyrighted software and sensitive City data, and for following policies, procedures, and practices to the same extent applicable in the regular office.
6. If necessary, the employee is responsible for bringing a City laptop or other City equipment to the regular City work location for software and security updates and as otherwise required by BTS.

B. Personal Equipment

1. If City equipment is not provided, the employee must provide all computer equipment, telephone equipment, and furniture necessary to perform duties on non-City premises. Requirements for use of Secure Remote Access to City systems, via City equipment or non-City equipment, are described in the [Teleworking with Secure Remote Access](#) and [BTS Administrative Rule 2.04](#).
2. The employee is responsible for ensuring that software used on non-City premises is compatible with City standards, e.g., Microsoft Office Suite.
3. Employees who use their personal equipment for teleworking are solely responsible for the installation, repair, and maintenance of their equipment.
4. If using personal equipment to telework, remote employees must understand and agree that the City is entitled to, and may access, any personal equipment, documents and records used for City-related business purposes while teleworking, such as a personal computer, telephone, fax machine, monthly bills, and/or internet records.

Reimbursable Expenses

Generally, the City will reimburse the employee for work-related expenses it would have borne if the employee were working onsite in the office. Supplies required to complete assigned work at the telework site should be obtained from the bureau during the employee's in-office work periods when possible. If a building is temporarily closed, but building access is still an option, the employee should contact their supervisor to determine if it is possible to arrange for retrieval of necessary supplies. Out-of-pocket expenses for materials and supplies, which are otherwise available from the bureau, will not be reimbursed. The cost of internet access, personal equipment (if being used), and non-standard office supplies or non-standard equipment will be borne by the employee.

Computer Support

BTS may provide limited remote computer support on City-owned equipment. It is possible that some updates will require that City-owned equipment be brought to a City facility. Such support may be limited to installing and removing City-owned software on a City-owned computer as well as diagnosis and resolution of problems with BTS supported software and/or hardware. Employees in need of technology help should contact the BTS Helpdesk to discuss the best option for their situation.

BTS is responsible for maintaining and troubleshooting any City-owned computer equipment such as laptop computers. BTS is not responsible for maintaining or troubleshooting non-City-owned computer equipment or software.

Workers' Compensation

The City will process claims for work-related injury or occupational disease consistent with Oregon workers' compensation laws (Oregon Revised Statutes, Chapter 659). See [HRAR 6.13 Supplemental Workers' Compensation Benefits](#) and [HRAR 7.08 Injured Employee Return to Work](#) for additional information.

Administrative Rule History

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised January 25, 2006
Revised July 9, 2007
Revised October 19, 2010
Revised April 25, 2016
Revised February 15, 2018
Revised September 30, 2020
