

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: APRIL 13, 2020 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #8: SUPPLEMENT: Review and Adoption of
Amendments to LAFCO Policy and Procedure Manual**

After the publication of the staff report for Item #8, LAFCO staff received some additional changes from our Legal Counsel, Best Best & Krieger, related to the Work-at-Home/Telecommute policy.

The proposed changes are non-substantive, and only affects the procedure portion of the policy. Therefore, should the Commission choose to adopt the proposed policy, LAFCO staff recommends that the Commission include the additional changes as shown in the Attachment.

Attachment: Work-at-Home/Telecommute with Track Changes

9. WORK-AT-HOME/TELECOMMUTE (Adopted April 15, 2020)

- A. This Work-at-Home Policy applies to employee work-at-home arrangements, whether on a continuous basis or for a specific, limited period of time. This policy and its procedures applies to LAFCO staff, and will be administered by the Executive Officer.
- B. Working at home is not an employee right or benefit and may be discontinued by the Commission or Executive Officer for any reason that is not arbitrary or capricious, at any time. Employees will be permitted to work at home at the discretion of the Executive Officer. Employees may be removed from the Telecommuting Program if they do not comply with the terms of this policy and its procedures.
- C. Telecommuting does not change the duties, obligations, responsibilities, or terms and conditions of LAFCO employment. Whether or not specifically articulated in the policy and procedures, work-at-home employees are subject to the same federal and State of California laws and LAFCO policies and procedures applicable to employees at the regular LAFCO worksite.
- D. A telecommuting employee must perform work during scheduled telecommuting hours. Employees may not engage in activities while telecommuting that would not be permitted at the regular worksite, such as child, elder, or other dependent care. Telecommuting employees may take care of personal business during unpaid lunch periods, as they would at the regular worksite. Any exceptions to deviating from the normal work hours must receive Executive Officer authorization beforehand. Additionally, orders from a health authority, safety authority, governor, etc... regarding shelter-in-place, safer-at-home, school closures, etc... may necessitate alternate working hours and must receive Executive Officer authorization before work begins.

PROCEDURE:

Work-at-Home Criteria

To be eligible to work at home, employees must, among other things: (1) have portable job duties; (2) have a work site and equipment (telephone, Internet, supplies, etc.) suitable for working at home; and (3) be able to work independently and productively.

Some positions, responsibilities and projects are more suitable for working from home than others and may be appropriate to maintain continuity in the event of an emergency, or as part of a flexible work arrangement. Also, responsibilities that do not require face-to-face interaction, require minimal supervision, involve the extensive use of computers and/or telephones, and have clearly defined and

easily measurable tasks are more appropriate for a work-at-home arrangement. The Executive Officer must examine the distinct activities, functions and tasks to determine whether a work-at-home arrangement is appropriate.

Work Schedule

In addition to Section D, as is required for the LAFCO worksite, the Executive Officer will establish the employee's home work schedule. The employee will document all time worked and account for hours not worked with the appropriate leave designation (vacation, administrative, sick, holiday, leave without pay, etc.) and, if eligible for overtime, must receive Executive Officer authorization before working overtime.

Documentation

The Executive Officer must complete the Work-At-Home Approval Form. Work-at-home documentation must include the following components:

- a description of the work to be accomplished as well as clearly defined performance requirements that are measurable and results oriented—especially when the work differs from the employee's regular job description and performance plan;
- the work schedule, including as required above, the actual hours worked each day, with the start and end times of the work day and of any breaks and meal periods;
- a telephone number where the employee can be reached during the agreed-upon work schedule, and
- if LAFCO equipment is used at home, a record of such equipment

In the event of an emergency closure or situation for which the Work-at-Home Approval Form cannot be formalized ahead of time, the work-at-home approval must be documented in an email between the employee and the Executive Officer.

Equipment, Supplies, and Telephone/Data Connection

The employee will use his/her own equipment, supplies, and telephone/Internet connection to perform his/her job duties. In special cases where the Executive Officer determines it is in the best interest of the organization, the Executive Officer may provide equipment necessary for the employee to perform the desired work at home. LAFCO equipment, software, data and supplies may be used only for official LAFCO business, and must be returned to LAFCO at the termination of the work-at-home arrangement, or upon request by LAFCO. The employee is responsible for operating costs, home maintenance and any other cost associated with the use of the home as an alternate work location. In the event of equipment failure or malfunction, the employee will immediately notify

the Executive Officer. In the event of delay in repair or replacement, or any other circumstance which makes work from the home location impracticable, the employee understands that the Executive Officer may require the employee to report to the regular work site. The Executive Officer has the sole discretion to reimburse employees for the costs of using personal equipment while telecommuting.

Employees authorized to work from home under this policy may be entitled to reimbursement for additional expenses incurred as a result of working from home. However, to be eligible for such reimbursement and to the extent reasonably possible, employees must notify and obtain approval from the Executive Officer prior to incurring the expense.

Security

All LAFCO information security, and records management and retention policies that apply at the regular LAFCO worksite apply when the employee works from home.

All LAFCO rules regarding the use of computers and the internet apply while an employee is telecommuting, regardless of whether the employee is using LAFCO-provided or personal equipment.

Liability

LAFCO is not liable for injuries to third persons, including family members, at the home work site. LAFCO is not liable for damages to the employee's personal or real property.

Workers' Compensation/Safe Work Spaces

The employee is covered by Workers' Compensation during the performance of official LAFCO business at the home worksite during work hours. The employee must report work-related injuries immediately to the Executive Officer and will comply with all LAFCO reporting requirements established for the purpose of reporting such claims.

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards.