




ADMINISTRATIVE ORDER 2021 – 08

Adoption of City of Bozeman Remote Work Policy

Pursuant to my authority as City Manager, I hereby adopt the attached City of Bozeman Remote Work Policy attached hereto as Attachment A.

DATED this 15th day of July, 2021.


Jeff Mihelich, City Manager

ATTACHMENT A

Remote Work Policy

I. Purpose and Scope

The City of Bozeman (“City”) recognizes the value of offering remote work options to employees. Remote work options benefit both the City and its employees by contributing to a positive work-life balance, resulting in increased morale and productivity among employees and higher quality service to the community of Bozeman. Additionally, remote work options are intended to help reduce the commute trips for employees, thereby reducing their commute costs as well as reducing the overall environmental impact of City employees commuting to their workplace.

The purpose of this policy is to establish procedures for allowing City employees in certain positions to work remotely. This policy does not apply to the positions and employee groups specified in Appendix A, as may be modified at any time by the City Manager. New employees will not be eligible to work remotely during their first 90 days of employment, unless authorized by their Department Director and the Human Resources Director.

This policy shall be effective beginning July 19, 2021. On or prior to June 30, 2022, the City will review this policy to determine if it will be continued, modified, or discontinued. This policy may be amended or repealed at any time by the City Manager.

II. Policy

Working remotely shall be considered a privilege, not a right. Individual departments may have additional requirements, guidelines, or procedures for working remotely, provided they are consistent with this policy. Eligible employees may request to work remotely for up to one (1) day per week not to exceed eight (8) hours. This may be utilized as one (1) full day, or two (2) half days. In order to maintain effective and efficient service to the public, a fixed remote work schedule shall be established between the employee and their supervisor. All requests to work remotely shall be considered with the needs of the City being primary.

Working remotely does not change the duties, obligations, responsibilities, or terms and conditions of employment. Employees working remotely must comply with all City policies and procedures, including those set forth in the City’s Employee Handbook, in the same manner they would while working at their regular work site. This policy is not to be used in place of sick leave, Family Medical Leave Act (FMLA) leave, etc. This policy shall not be used as an accommodation under the Americans with Disabilities Act (ADA) without prior approval from Human Resources.

Supervisors are expected to monitor their remote work arrangements with their employees and ensure they remain beneficial to both the City and the employee. A Department Director may deny, end, or modify an agreement to work remotely for any reason considered to be in the best interests of the City. Department Directors shall attempt to give employees a minimum of five (5) business days’ notice when modifying or ending an agreement to work remotely unless extenuating circumstances exist where less notice is necessary or no notice is possible.

A. Eligibility

Eligibility for remote work is based on the position, the employee, and the needs of the department. Not every employee, or every position, is suited for working remotely. Employees must discuss with their supervisor the

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responsibilities and obligations during their remote work period and whether or not their work is conducive to working remotely.

A position may be suitable for working remotely when it includes job duties that:

- Are independent in nature
- Are primarily knowledge-based
- Lend themselves to measurable deliverables
- Do not require frequent interaction at the regular worksite with supervisors, colleagues, or members of the public, in person or by phone
- Do not require the employee's immediate presence at the regular worksite to address unscheduled events, unless alternative arrangements for coverage are possible
- Are not essential to the management of on-site workflow

Employees may be suitable for working remotely when their personal characteristics, as determined by their supervisor, include:

- Demonstrated dependability and responsibility
- Effective communication with all those contacted in the course of work
- Demonstrated motivation
- The ability to work independently
- A consistently high rate of productivity
- A high level of skill and knowledge of their job
- The ability to prioritize work effectively
- Good organizational and time management skills

Employees who are not upholding City obligations, such as performance or conduct expectations, may not be eligible to work remotely.

B. Worksite

- i. Employees who work remotely must be available to report to their regular worksite during their regularly scheduled shift if required by their supervisor.
- ii. Work performed remotely must be done so in an environment that allows the employee to perform their duties safely and efficiently. It is the responsibility of the employee to designate an appropriate remote workspace, which is typically a space in the employee's home or other similar location. No work should be performed outside of the designated workspace.
- iii. Should the employee sustain any injuries in their designated workspace and in conjunction with their regular work duties, the employee is responsible for notifying their supervisor of such injuries in accordance with City policies. The City is not responsible for injuries to the employee or to any third parties outside of the designated workspace or during the employee's non-working time.

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

C. Work Hours

- i. Employees working remotely shall perform work during their scheduled hours. Scheduled hours shall generally be regular business hours (8:00 a.m. – 5:00 p.m.). Employees may take care of personal business during unpaid meal periods, as they would at their regular work location.
- ii. Employees working remotely must account for and report time spent working remotely the same way they would at their regular worksite.
- iii. Authorization to work remotely does not imply authorization for non-exempt employees to work overtime. Non-exempt employees may only work overtime when directed to do so and when approved by their supervisor.
- iv. Non-exempt employees are expected to adhere to the meal and rest break policies set forth in the Employee Handbook and must take an unpaid, uninterrupted meal break of at least 30 minutes per work day. Non-exempt employees are also permitted to take fifteen (15) minute morning and afternoon paid rest breaks. Employees are relieved of all duty during meal and rest breaks and must not conduct work of any kind while they are on their meal or rest breaks.
- v. Employees must obtain approval to use paid leave hours for their remote work days in accordance with City policies.

D. Meetings

- i. Employees working remotely are expected to attend all essential meetings via video conference or by phone, or may be required to attend meetings in person at the direction of their supervisor.

E. Equipment and Supplies

- i. The City is not required to provide employees who are working remotely with materials or supplies needed to establish an alternate worksite (desk, chair, copy machine, etc.) and assumes no responsibility for set-up or operating costs at alternate worksites (i.e. phone service, internet service).
- ii. Equipment such as laptops, software, and other supplies may be provided to an employee at the discretion of their Director and the IT Department. Directors are to reasonably allocate those resources based on operational and workload needs. Upon conclusion of their remote work agreement, employees must return equipment to the City.
- iii. All rules, policies, and procedures regarding the use of electronic devices, including but not limited to the Information Technology Use Policy, apply while an employee is working remotely.

- iv. If the employee experiences technical issues with their equipment or internet access that prevent the employee from working remotely, the employee must notify their supervisor immediately. Such interruptions to work may require the employee to work from their regular worksite until the issues are resolved.

F. Security

- i. Employees working remotely are bound by any confidentiality and/or security agreements they signed in connection with their employment with the City and all confidentiality and/or security policies in the Employee Handbook. All files, records, or other materials created while working remotely are considered City property. Employees and their supervisors shall identify any confidential, private, or personal information and records to be accessed and ensure appropriate safeguards are used to protect them. A supervisor may require employees to work in private locations when handling confidential or sensitive material. A supervisor may prohibit employees from printing confidential information at alternate worksites to avoid breaches of confidentiality.
- ii. Employees may not disclose confidential or private files, records, materials, or other information and may not allow access to City networks or databases to anyone who is not authorized to have access.
- iii. Montana law applies to employees working remotely. Upon receipt of an appropriate request, and subject to authorized exemptions, an employee working remotely must permit inspection and examination of any public information in the employee's custody within the required time limits. This requirement exists regardless of where the public information is located.

III. Procedure

Employees must obtain approval from their Director and from the Human Resources Director to work remotely and must complete the agreement attached in Appendix B. A Director's decision regarding authorizing remote work is discretionary in accordance with this policy. Therefore, absent an allegation of a violation or misinterpretation of other City policy, rule, or procedure, the decision is not subject to the grievance procedures of the Employee Handbook. However, if an employee feels a decision to deny remote work was incorrect, the employee should contact the Human Resources Director. Failure to comply with this policy while working remotely may result in disciplinary action up to and including termination.

IV. Responsibility for Review

The Human Resources Director, or designee, shall be responsible for reviewing this policy as needed, or at least every year.

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Appendix A: Exclusions

This policy does not apply to the following:

Department/Employee Group	Position
Community Development Department	Building Inspector
Economic Development Department	Parking Enforcement Officer
Fire Department	All positions
Library	Librarian I
	Library Aide
	Library Assistant
Municipal Court	All positions
Police Department	All positions
Part Time and Short Term Workers	All positions
Teamsters	All positions

Appendix B: Remote Work Agreement

Employee Name:		Date:	
Position:		Department:	

1. Proposed Work Schedule		
Day	Schedule (including breaks)	Location
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
<i>Or, rotating schedule as determined by Department Director.</i>		

2. Employee Agreement

By signing this agreement, I acknowledge the following:

I have received a copy of the Remote Work Policy and I agree to abide by it at all times. I agree to indemnify and hold the City harmless for injuries to third parties and/or damages to real or personal property resulting from the remote workspace. I acknowledge I have been provided with the equipment listed below to support my remote work arrangement. I agree to return the equipment to the City at the conclusion of my remote work arrangement.

1.	
2.	
3.	
4.	
5.	

I understand the Remote Work Policy represents the City's current policy and that the City retains the right to change or rescind the policy at any time.

Employee Signature:		Date:	
Employee Name:			

3. Supervisor Approval

The employee is meeting all performance expectations, has no disciplinary action pending, and is not on a performance improvement plan: Yes No

This agreement will be reviewed and revised when a change occurs with supervision, job responsibilities, change in work circumstances, or performance.

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Date Agreement Begins:			
Supervisor Signature:		Date:	
Supervisor Name:			

4. Director Approval

Director Signature:		Date:	
Director Name:			
Approved by HR Director:		Date:	

A copy of this agreement shall be kept in the employee's personnel file.