

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

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| MEETING DATE: March 20, 2020 | TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent |
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DEPARTMENT: Board of Supervisors
APPROVING PARTY: Heather Foster, Clerk of the Board
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Continued discussion/action in regards to the resolution establishing interim personnel policies and the proclamation of local of emergency to respond to COVID-19 adopted by the Board of Supervisors on March 17, 2020 and possible adoption of new policies and procedures related to the continuation of essential county functions and employee safety.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
See attached Resolution 2020-032, the Proclamation will be distributed under separate cover

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

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| ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No | IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
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SPACE BELOW FOR CLERK'S USE

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| BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken | <input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____ | Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus |
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COMMENTS:

CLERK TO THE BOARD _____ DATE _____

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

RESOLUTION ESTABLISHING INTERIM PERSONNEL POLICIES

RESOLUTION NO. 2020-032

WHEREAS, currently the world is experiencing a pandemic related to the COVID-19 (Coronavirus), and

WHEREAS, the Governor of the State of California has declared a statewide emergency and issued orders concerning limitations on public gatherings, and

WHEREAS, school districts across the country and throughout the State of California are closing schools to prevent the spread of COVID-19, and

WHEREAS, school closures are impacting Sierra County employees who could not have anticipated these events and are left without day care, and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the citizens and employees of Sierra County to prevent the spread of COVID-19 and to protect employees who have been left without recourse to care for their children during this public emergency.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors, based on the foregoing, establishes that personnel policies and rules will be temporarily amended as stated below:

1. Employees who can effectively perform the essential functions of their classification while working remotely from County facilities may work from home with permission of their Department Head. Employees so working will not be charged for leave time, but considered as working full time in their respective positions.

2. Employees coming in contact with COVID-19 shall voluntarily quarantine in their homes for a period of fourteen (14) days. These employees may work from home, if possible, unless suffering from symptoms of the disease. Employees on voluntary quarantine who cannot work shall be allowed to use sick leave or vacation leave during the quarantine period.

3. Employees who have minor children who are unable to attend school due to illness, quarantine or school closures due to COVID-19, and who cannot find other child care arrangements, shall be allowed to work from remotely under the terms of Section 1, or shall be to use sick leave or vacation leave during the necessary period.

4. For employees under quarantine and without sufficient leave to cover the quarantine period, the Board of Supervisors authorizes, with the approval of the Human Resource Director in each case, the accumulation of up to eighty (80) hours of negative sick leave, which will be made up by a percentage reduction in sick leave accruals over a period of one year from the lifting of the Governor's declaration of emergency.

5. Under these interim rules and policies, with the exception of those working from home pursuant section 1, the Human Resource Director may require that the employee obtain medically certification to have or been exposed to COVID-19.

6. County offices that do not have the ability to close to the public and allow employees to work remotely from home are authorized to make appropriate modifications to regular business operations as deemed necessary including limiting hours open to the public in order reduce exposure.

7. The Board of Supervisors will reconsider this resolution during each regularly scheduled Board meeting following adoption and this Resolution shall sunset thirty (30) days from enactment.

8. The Human Resource Director, working through the county's official labor negotiator, shall establish contact with the two bargaining unit representatives to assure labor concurrence or suggested modifications of these interim policies. All personnel policies, rules and regulations not directly affected by this resolution shall remain in full force and effect.

ADOPTED by the Board of Supervisors of the County of Sierra, State. California on the 17th day of March 2020 by the following vote:

AYES: Supervisors Adams, Roen, Dryden and Beard
NOES: None
ABSTAIN: None
ABSENT: Supervisor Huebner

COUNTY OF SIERRA



JIM BEARD, CHAIR
BOARD OF SUPERVISORS

ATTEST:



HEATHER FOSTER
CLERK OF THE BOARD

APPROVED AS TO FORM:



DAVID PRENTICE
COUNTY COUNSEL

SIERRA COUNTY

TELECOMMUTING POLICY

I. POLICY STATEMENT

Telecommuting is defined for the purpose of this policy as an employee working from a remote site other than their primary work location, typically the employee's home, on a regular, on-going basis. Telecommuting can help improve operational efficiency, reduce air pollution, traffic and parking congestion, and demand for office space. Telecommuting also provides the County with the flexibility necessary to maintain essential government functions during emergencies. Telecommuting is not an employee benefit but an alternative method of meeting the needs of the County. Other than in declared emergencies pursuant to Section IX, the employee and the employee's Department Head and the HR Director must mutually agree that participation in telecommuting is beneficial and either party can terminate the agreement at any time.

II. COMPENSATION, WORK HOURS, AND CONDITIONS OF EMPLOYMENT

- A. Nothing in the policy is intended to alter, supersede or contradict in any way the Memoranda of Understanding (MOU's) between the County and the various bargaining units.
- B. The employee's compensation, benefits, work status, full or part-time schedule, and work responsibilities will not change due to participation in the telecommuting program.
- C. The employee's work schedule may be adjusted, as agreed between the employee and the department head, to work other than the normal hours of County operation. **This work schedule must be in writing.**
- D. Telecommuting must not result in any employee receiving overtime, unless approved by the supervisor in accordance with the applicable MOU.
- E. Telecommuting employees will be available for in-person meetings, assignments, and projects as necessary, as determined by the department head.

III. ELIGIBILITY

- A. The telecommuting employee and the supervisor will jointly develop a written performance plan which must include measures which are sufficient to evaluate the telecommuter's work results and quality. The plan must be approved by the department head and HR. Work results and quality will be assessed quarterly by the supervisor, which must include a meeting with the employee, and shall be part of the employee's annual performance evaluation.

- B. Not all jobs are appropriate for telecommuting. Employees will be selected based on the suitability of their jobs and functional assignments, an evaluation of past performance reviews over the last 18 months, and an evaluation of the likelihood of their being successful telecommuters, which may include the ability of the employee to provide appropriate space or equipment within the home.
- C. The County will provide training designed to prepare employees who have been selected for telecommuting to prepare them for telecommuting and remote supervision.
- D. An employee selected must sign the Telecommuting Application and Agreement which sets forth the terms of approval of telecommuting.

IV. EQUIPMENT, TOOLS AND SUPPLIES

- A. The tools, equipment and supplies needed to telecommute will be provided either by the employee, the County, or a combination. The specific tools and equipment necessary for each employee shall be within the discretion of the supervisor or department head. All data processing equipment including computers and phones must be provided by the County, except in accordance with the County's Wireless Device Policy. All county-provided equipment requiring power must be protected with a county-provided surge protector or Uninterruptible Power Supply (UPS) for the exclusive use of county equipment.
- B. The County, in its discretion, may add visual identification and/or electronic tracking devices to county-owned equipment and the employee may not remove, disable or in any way tamper with these devices.
- C. The use of equipment, software, data, supplies and furniture when provided by the County for use at the home work location is limited to authorized persons for purposes related to county business. No data may be exported or printed except as authorized. The County will provide for repairs and maintenance to county-owned and provided equipment. Employees are responsible for the maintenance and repair of their own equipment. Repairs and maintenance of data processing equipment will be provided by IT remotely when possible. If repairs and maintenance cannot be handled remotely, it is the employee's responsibility to bring the equipment to IT.
- D. A wireless high speed Internet connection must be available at the telecommuter's residence, at the employee's own expense. IT will determine the required speed of the Internet connection based on bandwidth needed to perform stated duties. The County may, when warranted, pay installation and on-going costs associated with increased expenses associated with telecommuting.

- E. No personal devices such as portable hard drives, USB drives, scanners, or cameras, may be connected to the County's data processing equipment.
- F. Office supplies will be provided by the County as needed. Out-of-pocket expenses for other supplies will not be reimbursed unless by prior approval of the employee's department head. Adequate records of expenses, as defined by the County Auditor-Controller, must be maintained to support the telecommuter's demand for reimbursement. Requests for reimbursement must be submitted to the Auditor within 15 days of purchase.
- G. The County may require the return of any county property at any time. All county property must be returned upon the termination of the telecommuting agreement, the termination of the employee's employment with the County, or, during any period of leave from employment expected to exceed 30 days.

V. WORKSPACE AND ENVIRONMENT

- A. The employee shall designate a workspace within the home for placement and installation of equipment to be used while telecommuting. The employee shall maintain this workspace in a safe condition, free from hazards and other dangers to the employee and equipment. The employee's department head, HR, and the Information Technology Director ("IT") must approve the site chosen as the employee's home workspace. The employee will provide the specific address and location of the home workspace and will submit three photos of the home workspace as part of the telecommuting application. Any county materials taken home must be kept in the designated work area at home and not used except for activities that support telecommuting. Employees will ensure the confidentiality of all information they use at the designated location in accordance with County and department policies.
- B. The employee's department head, HR and IT have the right to make on-site visits (with 48 work hours advance notice) to the authorized homework location for purposes of determining that the site is safe and free from hazards including ergonomic hazards, and to maintain, repair, inspect, or retrieve county-owned equipment, software, data or supplies. Any delay in the department being able to access department owned equipment for repairs or upgrades may result in the employee being required to work from her/his office location until repairs, etc. are successfully completed.
- C. The employee's official duty location does not change as a result of telecommuting and costs to commute to her/his duty location are not reimbursable.

- D. During the telecommuter's scheduled work hours, personal disruptions such as non-business phone calls and visitors must be kept to a minimum.
- E. The telecommuter must ensure that non-county visitors to the home worksite treat the approved work area as an extension of the County during work hours, including confidentiality of information.
- F. Any activity or interruption that takes place during the telecommuter's work schedule and interferes with her/his work must be immediately reported to the supervisor or manager and covered by the use of leave accruals.

VI. WORKER'S COMPENSATION & LIABILITY

- A. During work hours and while performing work functions in the designated work area of the home, telecommuters are covered by Worker's Compensation.
- B. The employee's home workspace will be considered an extension of the County's workspace. Therefore, the County may be liable for job-related accidents that suffered by the employee in the home workspace during the employee's preapproved working hours. The supervisor, department head and HR shall consider Worker's Compensation liability when approving an employee to telecommute and when approving a designated work space.
- C. The County is not liable for loss, destruction, or injury that may occur in or to the employee's home. This includes injury to family members, visitors, or others that may become injured within or around the employee's home.

VII. DEPENDENT CARE

- A. Telecommuting is not a means of providing child care or other dependent care and is not to be used for care-giving purposes such as any individuals requiring care and monitoring including infants, toddlers, preschoolers, elderly adults. Care giving arrangements must be made for agreed-upon work hours.
- B. Exceptions to the above restrictions on providing child care or other dependent care must be approved in advance and will be for a short duration, generally no more than three (3) months. If care giving activities are approved, the telecommuter must use accruals to cover the time spent away from official activities.
- C. If a family member or someone in the household becomes ill and needs attention during periods of telecommuting, the supervisor must be notified immediately to

review the situation and determine if telecommuting can continue or if accruals must be used to cover the time needed to attend to the family member.

VIII. TAX IMPLICATIONS

- A. It will be the employee's responsibility to determine any tax implications of maintaining a home office area. The County cannot provide tax advice, nor will the County assume any additional tax liabilities.
- B. Employees are encouraged to consult with a qualified tax professional to discuss tax implications.

IX. EMERGENCY TELECOMMUTING

- A. Whenever a local emergency has been declared pursuant to Government Code Section 8630 or a local public health emergency has been declared pursuant to Health and Safety Code Section 101080, all of the provisions of this policy will continue to apply. However, the following provisions shall take effect, and shall supersede any contradictory provision of this policy.
- B. A department head may designate employees within a department to telecommute. These are employees whose services are necessary for the continued operation of the County, but whose physical presence in a county facility are not required or desired. This arrangement need not be voluntary.
- C. If any provision of this policy would result in an unacceptable delay, such as approval of a designated work space, the development of a written performance plan, or the approval of the HR, such requirements may be relaxed or ignored as necessary to meet the demands of the emergency situation. Any provision of this policy which is relaxed or ignored upon the initiation of an emergency telecommuting arrangement shall, if possible, be adhered to subsequently at the earliest possible opportunity.
- D. Actual expenses incurred by the employee as a result of emergency telecommuting will be reimbursed by the County to the extent they are reasonable. Employees should endeavor to have such costs approved in advance to the extent possible.
- E. All technology used by the employee will be provided by the County. IT may provide appropriate equipment for the specific period of emergency telecommuting, or may facilitate the relocation of the equipment from the employee's county work station.

F. If during an emergency a school closes, forcing an employee to stay home to provide child care, telecommuting may be approved if, in the discretion of the department head:

1. The employee's function is necessary during the emergency;
2. The employee's function can adequately be performed from home; and
3. The employee can be reasonably productive and responsive while providing child care.

G. The emergency telecommuting will last no longer than is necessary to perform the necessary work during an emergency. At the first opportunity, the employee must return to work at the county facility.

**SIERRA COUNTY
TELECOMMUTING APPLICATION / AGREEMENT**

Instructions: Applicants for telecommuting complete Section 1 questions, and submit to supervisor for completion of Section 2. If approved by the supervisor, the employee and supervisor should sign Section 3 and submit to their department head. The department head will approve or disapprove and submit the agreement to Human Resources/Risk Management for final approval or disapproval. If the department head is recommending disapproval, the reasons for this recommendation should be sent to the Human Resources Manager. A copy of the completed form will be placed in the telecommuter's Personnel File.

1. APPLICANT COMPLETES THIS PART:

a) Name: _____ Date: _____

b) Dept.: _____ Phone: _____

c) Job Title: _____

d) Proposed Telecommuting schedule (indicate days and work hours):

Start Date: _____ End Date: _____

e) Proposed Work Location: Home

Address (Attach three (3) photos of the proposed work area at your home that you intend to use if telecommuting is approved):

f) Equipment to be used while telecommuting (indicate if personal or County-owned equipment will be used):

g) Work to be performed while telecommuting:

h) What technology is required for the job: (check as many as apply)

Telephone Fax Copier Personal Computer

Other

If other, describe. Also state if you have this equipment, phone lines, etc. or will need to have them installed:

i) Describe dependent care plan during scheduled work hours:

Not Applicable Plan:

2. SUPERVISOR COMPLETES THIS PART:

a) Method of communicating with the office while telecommuting:

b) Method of providing clerical support:

c) Method of measuring work completed while telecommuting (attach plan required under part B, Section 1 above):

d) Work Schedule: From:

To:

e) Term of Agreement:

f) Additional Terms as agreed by employee and Supervisor:

g) Length of employment in Department:

h) Can this person work under remote supervision?

Yes No

- i) Are there any job related, performance or conduct issues or reasons that support not approving telecommuting? Yes No

If yes, briefly describe:

-
- j) Most recent Performance Evaluation is at least satisfactory or meets standards:

Yes No

I have read the Telecommuting Policy and Procedures and agree to abide by the terms and conditions therein. I understand that:

1. Telecommuting is a privilege, not a right.
2. I am expected to participate in training for telecommuting with my supervisor prior to participating in the telecommuting program.
3. No changes are allowed to my approved work schedule unless approved in writing in advance.
4. I will work at least my approved work schedule on telecommuting days.
5. I must receive prior authorization from my supervisor for any overtime work.
6. In the event I am assigned to a new supervisor, I will be required to obtain approval to continue to telecommute.
7. On-site visits to my telecommuting site may be conducted by County personnel to determine that the worksite is suitable. Advance notice of at least 48 hours will be provided to me prior to such a visit.
8. I am expected to comply with all applicable County and department rules, policies, practices and instructions.
9. This agreement does not affect my employee benefits. Requests for vacation, sick leave, or other time off will be handled according to existing County and Departmental policies.
10. If applicable, I have made arrangements for care giving activities during my agreed upon work schedule
11. This agreement may be terminated by either party at any time.

12. I agree to respond to any surveys and inquiries conducted by the County to evaluate the effectiveness of telecommuting. I understand that my responses will be treated confidentially unless I authorize their release.

Employee's Signature

Date

Supervisor's Signature

Date

Recommendation by Department Head: Approval Disapproval

Department Head's Signature

Date

If disapproved, reason: [Click here to enter text.](#)

Action by HR Manager: Approval

Disapproval

Human Resource Manager's Signature

Date

FACTORS TO BE CONSIDERED AS PART OF THE TELECOMMUTING DECISION

1. Can the work be done independently or must it be done as part of a team?
2. Does the work rely heavily on computer access or telephones?
3. Does the employee spend much of the workday working alone on projects?
4. Does the employee have face to face contact with customers in a workplace?
5. Examples of jobs that lend themselves to telecommuting include typing, computer programming, report writing, data entry, auditing, accounting, researching, customer service representative (such as at a call center), designing.
6. Is the employee's presence needed at a moment's notice?
7. Does the job require hands on operations of equipment or repairs to equipment?
8. Is the employee reliable and responsive?