

# Administrative Directive 3-80

**SUBJECT: TELEWORK (INTERIM)**

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## **1. AUTHORITY**

- 1.1. This Administrative Directive (AD) is issued by the authority and by signature of the City Manager, in accordance with responsibilities assigned to the City Manager by state law, the Dallas City Code, the Dallas City Charter, and the Dallas City Council.

## **2. PURPOSE**

- 2.1. This AD establishes the City's procedures for employee telework assignments.
- 2.2. A telework assignment is a mutually agreed upon arrangement, by the employee and the employee's supervisory chain of command, for the employee to telework on specified days and during specified hours. Telework will only be available to employees in departments that determine that telework assignments are suitable for employees in those departments. Telework may be authorized for an employee at the City's sole discretion. Employees have no entitlement to a telework assignment. Telework is not a benefit of employment and a telework assignment in no way alters the terms and conditions of employment with the City. The City may suspend or terminate telework for any reason, at any time. Likewise, individual departments may determine that telework is not suitable for employees, for any reason, at any time. Additionally, an individual telework assignment may be withdrawn or suspended at any time, in accordance with this AD and/or departmental discretion.
- 2.3. This AD does not apply to requests for a reasonable accommodation or occasional work from home assignments, such as in instances of inclement weather. Employees requesting to telework as a reasonable accommodation should follow the City's procedures on reasonable accommodation requests.

## **3. SCOPE**

- 3.1. Individual departments will have the discretion to determine if telework assignments are appropriate for each individual department. This AD applies to eligible City employees in all departments that exercise the option to make telework assignments available to each department's eligible employees.

## **4. DEFINITIONS**

- 4.1. Telework – The managed, voluntary performance of job duties at a location other than City facilities, usually at the employee's residence.
- 4.2. Telework Location – An alternative, approved work location selected by an employee for telework, usually within the employee's home, but sometimes at another pre-approved, suitable location that is not on City property.

## **5. RESPONSIBILITIES**

- 5.1. The Human Resources Department is responsible for:
  - 5.1.1. The oversight of this AD for all City departments and for coordinating with individual departments that decide to participate in telework assignments;
  - 5.1.2. Assisting departments with internal telework procedures and/or forms, if requested, and as appropriate;
  - 5.1.3. Assisting departments with the approval process; and

- 5.1.4. Collecting all required, completed telework forms from the supervisors/managers of teleworking employees and storing the completed telework forms in the employees' personnel files.
- 5.2. Department Directors are responsible for:
  - 5.2.1. Deciding whether their department will participate in telework; and, if a determination is made for the department to participate in telework:
  - 5.2.2. Developing, in consultation with the Human Resources Department, a set of specific internal written procedures and forms, as appropriate, which should include the following:
    - 5.2.2.1. A list of positions in the department that are eligible for telework;
    - 5.2.2.2. The approval and denial processes for an employee requesting to telework;
    - 5.2.2.3. A procedure for monitoring the employee's work performance while teleworking;
    - 5.2.2.4. Any limitations on scheduling days/hours for telework; and
    - 5.2.2.5. The equipment guidelines for telework.
  - 5.2.3. Administering telework for their department in a manner that is consistent and equitable for all employees.
- 5.3. All supervisors and managers of employees eligible for telework are responsible for:
  - 5.3.1. Timely review of employee requests to telework and sending requests forms through the employees' supervisory chain of command;
  - 5.3.2. Ensuring that all required telework forms are completed and provided to the Human Resources Department; and
  - 5.3.3. Actively managing and/or supervising their direct reports who are approved for telework.
- 5.4. Eligible employees requesting to telework are responsible for completing the required request form and submitting it to their department director, through the employee's supervisory chain of command.
  - 5.4.1. If approved to telework, the employee is responsible for adhering to the required telework schedule, completing the required forms, and performing their job duties at a level that is consistent with their work performance in the office, including keeping their supervisor/manager informed of their work assignments as directed.
  - 5.4.2. Employees who telework are expected to be readily available when contacted by their manager/supervisor or co-workers, as if they were working at a City work location.

## **6. PROCEDURES**

- 6.1. Employee and Position Eligibility for Telework – To be eligible for telework, a position must meet most the following criteria:
  - 6.1.1. The position does not require in person contact (i.e., any meetings, presentations, or other interactions may be conducted remotely with the same efficiency and

- efficacy as if they were conducted in person) or in person interactions can be scheduled on specified days during which the employee reports to a City work location, with no loss of efficiency or efficacy;
- 6.1.2. The job duties for the position do not require the employee to be readily available in person to address problems that may arise, deliver services, or conduct regular business;
  - 6.1.3. The work product and productivity expected for the position can be objectively measured, without the need for in person interaction;
  - 6.1.4. Quiet or uninterrupted time could enhance the productivity for employees assigned to the position;
  - 6.1.5. The employee can provide a remote work environment that is free from interruptions and distractions (e.g. dependents requiring care or supervision, noisy environment, etc.), which is conducive to the appropriate level of confidentiality, and is safe and meets generally acceptable work location standards for the position; and
  - 6.1.6. The employee must demonstrate the ability to work independently, communicate effectively with managers and other employees, maintain a high degree of self-motivation, and meet the telework criteria.
- 6.2. Ineligible Employees – Employees are not eligible for telework if they:
- 6.2.1. Are in an initial or promotional probation period;
  - 6.2.2. Are on a performance improvement plan, under investigation for misconduct, or received a performance evaluation rating of less than fully successful for the most recent fiscal year or mid-year evaluation or check-in; or
  - 6.2.3. Received formal discipline (e.g., written reprimand, suspension, or demotion) within the preceding 12 months.
  - 6.2.4. Employees will be removed from telework status should an event described in 6.2 occur or if the employee’s supervisory chain of command determines in their sole discretion that telework is no longer suitable for the employee.
- 6.3. Requesting a Telework Assignment
- 6.3.1. An eligible employee may request a telework assignment by submitting a request form to their director through their supervisory chain of command.
  - 6.3.2. A supervisor or manager may also request telework assignments on behalf of eligible employees, for business reasons of efficiency or efficacy.
  - 6.3.3. Such request may be especially appropriate when other members of the employee’s work group telework and the value of telework for the employee’s position has already been established. However, absent unusual circumstances, the employee may decline to telework. Even if an employee is assigned to a position that is eligible for telework, and otherwise meets the eligibility requirements set forth in Section 6.1, the employee’s supervisory chain of command must determine whether a telework assignment is suitable for the employee or position. When evaluating whether a telework assignment is suitable for an employee or position, the department director or designee, or the employee’s supervisory chain of command, in consultation with the Human Resources Department and/or the City Attorney’s

Office, shall only approve a telework assignment through consideration of the following criteria:

- 6.3.3.1. Payroll Status and Timekeeping – Generally, telework assignments are only appropriate for employees who are classified as “exempt” under the Fair Labor Standards Act (“FLSA”). However, department directors have discretion to authorize telework for non-exempt employees, provided that the employee’s supervisory chain of command consults with the City Attorney’s Office and the Human Resources Department to ensure that the employee’s time is recorded and reported accurately.
- 6.3.3.2. Employee Work Habits – Appropriate personnel from the employee’s supervisory chain of command may consult with the Human Resources Department to assess whether the employee’s work history supports a likelihood that the employee will be successful in a telework assignment.
- 6.3.3.3. Job Responsibilities – The manager will evaluate the job responsibilities and determine if the position is suitable for telework. This evaluation will include consideration of the need for face-to-face in person contact with co-workers and customers, the need to be present to supervise others, whether telework will allow for adequate supervision of work, and other details of the position.
- 6.3.3.4. Other Considerations – Appropriate personnel from the employee’s supervisory chain of command, in consultation with the employee, will determine whether the employee has an adequate workspace and other resources necessary for the employee to successfully telework, such as dependable, secure internet connectivity, telephone, and any furniture or equipment that will not be issued by the department.

6.4. Employee Acknowledgements Prior to Starting Telework

- 6.4.1. Employees who request and are approved for telework must acknowledge that the employee has access to and will provide for all expenses and resources necessary for telework, such as power, water, internet, telephone, rent or mortgage payments, and other expenses related to the telework space are the sole responsibility of the employee and not the City.
- 6.4.2. Prior to approving the telework assignment, the employee’s supervisory chain of command must notify the employee what equipment will be issued to the employee by the City for telework and what equipment will be the responsibility of the employee. All equipment issued by the City must be documented in writing and acknowledged by the employee.
- 6.4.3. Exempt employees approved to telework must acknowledge that they are responsible for accurately entering their time on or before the deadline established to their supervisor. Additionally, employees may be required to keep logs of their daily work activities.
- 6.4.4. Non-exempt employees approved to telework must acknowledge that they will accurately record all hours worked in a manner designated by the department and that they may be required to keep logs of their daily work activities. Non-exempt employees approved to telework must acknowledge that all overtime performed

must be requested and approved in advance and that failure to comply with this requirement may result in immediate termination of the telework assignment and/or subject the employee to disciplinary action, up to and including termination.

6.4.5. The business use of an employee's home may result in tax, insurance, and other legal implications. Responsibility for understanding the potential ramifications and fulfilling all related obligations rests solely with the employee.

6.4.6. Before beginning any telework assignment, the employee must acknowledge the terms and conditions of the assignment and sign the completed Telework Assignment Request and acknowledgement form (Telework Assignment Request form), available through Human Resources, and any other required departmental forms.

6.5. Documentation

6.5.1. Before beginning any telework assignment, the employee shall obtain the requisite written approvals for the telework assignment from the employee's supervisory chain of command.

6.5.2. The employee's supervisor/manager, with the cooperation of the employee, shall ensure that all forms required by the Human Resources Department (e.g. Telework Assignment Request form) and the employee's assigned department are completed prior to the start of the telework assignment. Forms that must be completed prior to the start of any telework assignment include:

6.5.2.1. The Telework Assignment Request form, available from the Human Resources Department; and

6.5.2.2. Any other forms required by a specific department.

Note: During the initial implementation of this Administrative Directive, department leadership may approve temporary teleworking assignments for a specified time period while all documentation is being completed and approved.

6.5.3. The supervisor/manager shall submit the completed forms and approvals to the Human Resources Department, in care of the department's designated HR partner, and the completed forms shall be maintained in the employee's personnel file and/or be uploaded to Workday.

6.5.4. Additionally, at anytime management may require, without prior notice, documentation to be originated, routed, approved, and retained electronically (e.g. Workday).

6.6. Trial Period and Renewal

6.6.1. A department may choose to approve telework for a trial period of 30 days. At the end of the trial period, the telework assignment will be reviewed by the employee's supervisory chain of command, after which the telework assignment may be withdrawn or extended.

6.6.2. In connection with an employee's yearly performance appraisal (or mid-year performance appraisal or check-in, if applicable), the employee's telework assignment will be reviewed by the employee's supervisory chain of command, at which time the telework assignment will either be extended or withdrawn.

6.7. Withdrawal or Non-Renewal of a Telework Assignment

- 6.7.1. Telework assignments can be discontinued at any time at the discretion of the teleworking employee's department, the employee's supervisory chain of command, and/or the City.
- 6.7.2. A manager has the authority to withdraw or decline to renew a telework assignment, in accordance with the procedures of the individual department.
- 6.7.3. An employee will be given written notice of 15 working days in the event a telework assignment is withdrawn or not renewed, unless:
  - 6.7.3.1. A business need requires that the employee return to the City work location; or
  - 6.7.3.2. The employee's supervisory chain of command or department director determine that the employee has failed to comply with the expectations of the telework assignment.
- 6.7.4. An employee's supervisory chain of command may consider many factors in determining whether to withdraw or not renew a telework assignment, including but not limited to:
  - 6.7.4.1. The employee has violated this AD, their department's telework expectations, their departmental telework procedures, or no longer meets the criteria for telework set forth in this AD;
  - 6.7.4.2. The employee is reassigned to job duties that cause the employee's position to become unsuitable for telework;
  - 6.7.4.3. The employee's job duties could be better performed at a City work location;
  - 6.7.4.4. Poor performance or failure to adhere to the City of Dallas Personnel Rules;
  - 6.7.4.5. Poor communication with the employee's supervisor during telework;
  - 6.7.4.6. Only a limited number of individuals within the employee's work group or division can telework at a given time, and rotation is needed; or
  - 6.7.4.7. Other business-related reasons.
- 6.7.5. A telework assignment will end in the event an employee is transferred, demoted, or promoted, although the employee, if eligible, may request a new telework assignment.
- 6.7.6. An employee's reassignment to a different supervisor or work group may result in the end of a telework assignment, or the need to revise the current telework assignment.
- 6.8. Telework Location Considerations & Equipment
  - 6.8.1. An employee assigned to telework may establish a work location within the employee's home or at an alternative location (the "telework location"). The telework location must be suitable for work and must be sufficiently private to allow the employee to maintain the level of privacy and confidentiality appropriate for their job functions. The employee is responsible for arranging a telework location that is safe, effective, and ergonomically friendly, in accordance with guidance from the Office of Risk Management.

The employee is responsible for following all City technology security standards and requirements in accordance with City procedures (e.g. AD 2-24, AD 2-26, and AD 2-33).

- 6.8.2. The City will not be responsible for costs associated with the initial set-up or on-going expenses of the employee's telework location, including remodeling, furniture, lighting, utilities (including internet), and rent/mortgage. The City will not be responsible for repairs or modifications to the workspace.
- 6.9. Meetings During Telework
  - 6.9.1. An employee may not meet in person with customers, the public, professional colleagues, or other staff members at the employee's telework location.
  - 6.9.2. An employee shall ensure that when on video conference, their visible backgrounds are professional and appropriate, and that they are wearing work-appropriate attire.
  - 6.9.3. In-person work meetings must be scheduled on City property or another appropriate venue.
- 6.10. City-Issued Equipment
  - 6.10.1. Individual departments will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs for each telework assignment on a case-by-case basis. The Human Resources Department and Information & Technology Services will serve as resources for this information.
  - 6.10.2. Large equipment available at City work locations for shared use, such as printers, scanners, and photocopy machines, will not be provided to individual employees to use at a telework location.
  - 6.10.3. The City will pay for the cost and maintenance of any equipment it supplies. Individual departments reserve the right to make determinations as to appropriate equipment issued to teleworking employees, subject to change at any time. City-issued equipment may be used for City business purposes only, unless specifically authorized in City policies (e.g. AD 2-33). Non-city employees are not allowed to use City equipment for any reason.
  - 6.10.4. City-issued equipment is to be used in accordance with City procedures (e.g. AD 2-24, AD 2-26, AD 2-33, etc.). Employees who telework must follow the process for issuance of City-issued property (excluding office supplies of a nominal value) and acknowledge on the Telework Assignment Request form that they:
    - 6.10.4.1. Shall take appropriate action to protect the City-issued equipment from damage or theft;
    - 6.10.4.2. Shall immediately notify their supervisor should their City-issued equipment become damaged or stolen;
    - 6.10.4.3. Shall return all City-issued equipment to the City in good working condition upon request from appropriate City personnel (including anyone in their supervisory chain of command or the Human Resources Department) or the termination of their employment from the City; and
    - 6.10.4.4. May be held financially liable if the employee fails to return their City-

issued equipment or if their City-issued equipment is returned in less than expected condition.

6.11. Work Schedule and Communication

- 6.11.1. All employees approved for telework will have a set schedule that dictates when the employee will be in the City work location and when the employee will telework. However, the employee may be required to report to a City work location when directed or if necessary, including for training, presentations, meetings, and other circumstances that necessitate in person contact.
- 6.11.2. Teleworking employees are responsible for informing their supervisor when they will be away from their telework location for extended periods of time and must request leave time for doctor's appointments or other personal matters that occur during the work day, in the same manner as if the employee was working in a City work location, and planned to be away from their work location. A telework location other than the employee's residence must be pre-approved by the supervisory chain of command before teleworking begins. Employees must seek approval from their supervisor to telework from a location other than the location that has been pre-approved.
- 6.11.3. The employee must be accessible during assigned telework hours, just as if the employee were working in a City work location.
- 6.11.4. Supervisors must set clear expectations for their direct reports who telework regarding the level of communication that is expected during a telework assignment and employees must adhere to those expectations.

6.12. Information Asset Security and Legal Compliance

- 6.12.1. Consistent with the City's expectations of information security for employees working at City facilities, teleworking employees will be expected to protect confidential City and customer information accessible from the employee's telework location. Employees are required to:
  - 6.12.1.1. Store hard copy files securely, including locking files that contain confidential or protected information;
  - 6.12.1.2. Password protect confidential or sensitive information;
  - 6.12.1.3. Refrain from sharing work-related documents and passwords with anyone not authorized to receive them;
  - 6.12.1.4. Use VPN to connect to the internet, when appropriate/authorized; and
  - 6.12.1.5. Consult the City's information security procedures for further information.
- 6.12.2. Departments shall not authorize telework for employees who are not provided with a City-issued computer. If a technical failure with a City-issued computer occurs during a telework day, an employee may use a personal computer to complete their work assignments for that day.
  - 6.12.2.1. Employees shall comply with ADs 2-24, 2-26, and 2-33.
  - 6.12.2.2. Employees may be required to report to a City office while a technical failure with a City-issued computer is being repaired.



6.12.2.3. As soon as the technical failure with the City-issued computer is corrected, the employee shall move any work-related documents temporarily stored on a personal computer to a City-issued computer.

6.12.2.4. In the event of an employee's termination of employment with the City, the employee must transmit to their supervisor any and all work-related documents, files, and/or other information stored on the employee's personal equipment, in the same manner as if such information were stored on the employee's City-issued work computer.

6.13. Terms of Employment

All City policies and procedures apply to employees who telework as if the employee were working at a City work location. Employees who telework must abide by all City policies and procedures, including the City of Dallas Personnel Rules and Administrative Directives. Failure to follow the City's policies and procedures may result in withdrawal of a telework assignment and may result in disciplinary action, up to and including termination of employment with the City.

6.14. Injuries

Injuries sustained by an employee in the course and scope of employment at a telework location are subject to the state workers' compensation laws and will be handled in the same manner as reported injuries that occur at a City work location. Workers' compensation coverage will not be provided to injuries to any third parties or members of the employee's family at the employee's telework location. In the event of a job-related injury, an employee should report the incident to his or her supervisor as soon as possible and follow the procedures outlined in AD 3-31.

6.15. Employee-Owned Equipment

The City is not responsible for damage or repairs to employee-owned equipment or other personal or real property.

6.16. Grievance

An employee cannot grieve a decision to deny, not renew, or withdraw a telework assignment.

7. **PRIOR ACTION:** None. This AD is the original issuance on telework.

8. **ISSUING DEPARTMENT:** Department of Human Resources

**AUTHORIZATION**

This new/revised Administrative Directive is hereby approved, and shall become effective on

May 10, 2021

Date

*Nina Arias*

\_\_\_\_\_  
Director of Issuing Department

May 4, 2021

Date

*Jennifer Huggard*

\_\_\_\_\_  
City Attorney or Assistant City Attorney

May 4, 2021

Date



\_\_\_\_\_  
City Manager or designee, or Council appointed officer (as applicable)

May 4, 2021

Date

This Administrative Directive is authorized for electronic placement on the City's Intranet

*M. Elizabeth Reich*

\_\_\_\_\_  
Elizabeth Reich (May 4, 2021 18:02 CDT)

Chief Financial Officer

May 4, 2021

Date