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## **ARA 4.04 TELEWORK**

### **A. Purpose**

The purpose of this rule is to define telework guidelines and procedures for Auditor's Office employees. Used appropriately, teleworking can increase an employee's productivity, reduce time spent commuting, and facilitate a work-life balance that helps the City attract and retain qualified job candidates and employees.

The Auditor's Office encourages telework arrangements in situations where it mutually benefits employees, the work of the Auditor's Office, and community members served by the Auditor's Office. Not all job positions in the Auditor's Office are appropriate for teleworking; for example, jobs requiring an on-site presence are generally ineligible for teleworking.

### **B. Definitions**

For purposes of this rule:

1. "Ad hoc telework" means short-term, temporary telework of no more than 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 telework eligibility criteria.
2. "Routine telework" means telework that is a regular and recurring part of the employee's work schedule.
3. "Telework" means working arrangements in which the employee's workplace is located at an alternate work site location outside a regular Auditor's Office work location(s), such as an employee's residence.

### **C. General Rules**

1. Teleworking does not change the duties, obligations, responsibilities, or terms and conditions of Auditor's Office employment. Teleworking employees must comply with all Auditor's Office rules and applicable City rules, policies, practices, and instructions, including but not limited to [Auditor's Office Administrative Rules 4.08 – Information Technologies](#) and [4.09 - Use of City Resources](#).
2. A supervisor, manager, or the City Auditor 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.
3. An employee may request to end or modify a Telework Agreement, unless their request conflicts with Citywide teleworking guidance given during a state of emergency.
4. Remote employees are expected to balance personal needs with work obligations and commitments. As with in-person work, remote employees must reasonably arrange for child, elder, or other dependent care to complete their work and actively participate within their team.
5. Employees who may need a reasonable accommodation when teleworking because of a disability, pregnancy, lactation, or observation of a religious practice should contact Operations Management. For more information, see [Auditor's Office Administrative Rule 2.06 – Reasonable Employment Accommodations](#).
6. Employees with a Teleworking Agreement are expected to respond to surveys regarding teleworking when requested to do so by the City or the Auditor's Office.

#### **D. Eligibility for Telework**

1. Before approving a telework request, supervisors will use the following guidelines to evaluate positions and employees for telework:
  - a. An employee's position may be suitable for telework when the employee's essential job duties:

- i. Include clear work objectives, clearly defined tasks, and measurable deliverables;
  - ii. Are independent in nature and can be accomplished without a detrimental impact on their Division's productivity;
  - iii. Allow for successful and productive communication with supervisors, colleagues, or members of the public through virtual means such as videoconference or phone calls;
  - iv. 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
  - v. Are not essential to the management of on-site or in-the-field workflow or business operations.
- b. An employee may be eligible for telework if:
- i. The employee can provide adequate internet access at the alternate work site to perform their assigned duties while teleworking;
  - ii. The employee is committed to complying with all Auditor's Office rules, policies, practices, core values, and instructions while teleworking, including as outlined in this rule and in the employee's Telework Agreement;
  - iii. The employee has the ability and willingness to preserve the confidentiality of sensitive City data and software that 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

- iv. The employee understands that their performance expectations must continue to be met while teleworking. Employees who are not upholding Auditor's Office obligations and core values when teleworking, such as meeting performance or conduct expectations, may be subject to the disciplinary measures described in [Auditor's Office Administrative Rule 5.01 – Discipline](#).

## **E. Telework Approval Process**

Generally, before an Auditor's Office employee begins teleworking, or a new hire begins working in a remote position, they must complete the following steps:

- Talk with their supervisor to determine telework eligibility and a potential telework schedule
- Read and agree to the content of this rule
- Complete and sign a Telework Agreement
- Complete any needed training prior to beginning telework
- Receive the supervisor's final approval, via their signature on the Telework Agreement.

**NOTE:** Ad hoc telework may be a suitable arrangement for employees who generally work in the office, but who sometimes have projects, assignments or other circumstances that meet the telework eligibility criteria. Ad hoc telework of no more than 12 days per calendar year is permitted with advance authorization by the employee's supervisor and does not require a Telework Agreement. However, the ad hoc telework request and supervisor approval must be in writing (e.g., an email).

## **F. Work Hours**

1. The number of hours worked by an employee will not change because of telework. As part of the telework approval process, the employee should work with their supervisor to develop a standard telework schedule and expected work hours to meet the needs of the Division.

2. Teleworking employees must 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 regular in-person worksite on scheduled teleworking days, if needed, unless they are on work-related travel or are otherwise exempted by their supervisor.
3. Teleworking employees who are covered by the Fair Labor Standards Act (“non-exempt” employees who are generally eligible for overtime pay):
  - a. Should not work outside of their scheduled hours when teleworking. For example, non-exempt employees should not take phone calls or check email outside of their regular working hours.
  - b. Must have prior approval from their supervisor for any changes to their telework schedule, including potential overtime.
  - c. Are required to take scheduled breaks and lunches as usual.
4. Teleworking employees who are exempt under the Fair Labor Standards Act are strongly encouraged to adhere to their telework schedule. They should work with their supervisors to develop expectations regarding availability outside of regularly scheduled work hours.

#### **G. Modifying a Telework Schedule; Unexpected Inability to Telework**

1. Employees must obtain prior approval from their supervisor to change a regularly scheduled telework day. Supervisors should accommodate occasional requests by employees to change their regularly scheduled telework days if possible.
2. 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 regular in-person worksite or use vacation or other compensatory time. If compensatory time is not available, and the employee is unable to telework or work onsite at their regular worksite, the

employee may be required to take time off without pay, unless stated otherwise by the City Auditor or the Mayor or designee in City guidance provided during a state of emergency.

## **H. Travel, Overtime, and Leave**

1. Auditor's Office human resources rules and the Fair Labor Standards Act continue to apply to employees while teleworking. Requests for overtime and requests for leave must be approved, in advance, by the employee's supervisor.
2. When teleworking, the employee's regular Auditor's Office worksite is the official workstation for purposes of travel expenses. Travel to and from the employee's regular Auditor's Office worksite and their alternate work site is not a reimbursable expense.

## **I. Alternate Worksite Requirements**

1. A teleworking employee is responsible for selecting an alternate worksite suitable for performing official Auditor's Office business. Requirements for the alternate worksite will vary depending on the nature of the work and equipment needed. Such requirements will be determined by the Auditor's Office.
2. Teleworking employees must work in an environment that allows them to perform their duties safely and efficiently. Employees are responsible for ensuring that their work areas comply with confidentiality, health, and safety requirements. For more information regarding ergonomics, see [Ergonomic Guidelines for Telework](#). For public records guidance, see [General Guidance for Telecommuting: Public Records](#).
3. The City is not liable for damages to an employee's personal or real property while the employee is working at their alternate worksite.

## **J. 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.

1. The Auditor's Office may require employees to work in a private or secure location that affords adequate protection when handling confidential or sensitive material and may restrict an employee's use of files at the telework site.
2. The Auditor's Office may prohibit employees from printing confidential information in teleworking locations to avoid breaches of confidentiality.
3. 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.

#### **K. Telework Product, Document Retention, and Public Records**

1. Products, documents, and records used and/or developed while teleworking remain the property of the Auditor's Office and are subject to Auditor's Office rules regarding confidentiality and records retention, which may make employee-owned computers, cell phones, and storage devices subject to public records and evidentiary requests. Accordingly, to the extent that 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.
2. Employees must comply with requests to search for public records and/or produce for inspection their employee-owned computers, cell phones, and storage devices, to the extent that such inspection is required to comply with public records requests, subpoenas, and other evidentiary requests.

#### **L. Computer Hardware, Software, Equipment, and Supplies**

At minimum, employees who are teleworking must have access to a computer and the internet. Employees are fully responsible for establishing their own internet access.

1. The Auditor's Office may supply teleworking employees with City-owned computers and other equipment within reason. If these items are not provided by the Auditor's Office, the employee may use their personal computer equipment and/or furniture.
  - a. If necessary, the Auditor's Office will support employees 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, see [Technology for Teleworking](#).
  - b. Any City computer hardware, software, equipment, and supplies provided by the Auditor's Office 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 Bureau of Technology Services' [Products Page](#).
    - i. A teleworking employee must protect City property from possible theft, loss, and damage. In the event of theft, loss, or damage, the teleworking employee may be liable for the replacement or repair of City property, in accordance with applicable laws on negligence or intentional conduct.
    - ii. At the conclusion of the telework arrangement (including separation from employment), the employee must return all City property to the Auditor's Office within 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.
  - c. A teleworking employee must adhere to all software copyright laws and may not make unauthorized copies of any City-owned software.
  - d. 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 Technology Services requirements.



- e. The teleworking employee is responsible for converting and maintaining files to City standard formats (e.g., Microsoft Word, Microsoft Excel, or Adobe PDF).
  - f. The teleworking 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 office.
  - g. If necessary, the teleworking 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 Technology Services.
2. If City equipment is not provided, a teleworking employee must provide all computer equipment, telephone equipment, and furniture necessary to perform duties on non-City premises.
- a. Employees who use their personal equipment for teleworking are solely responsible for the installation, repair, and maintenance of the equipment.
  - b. If using personal equipment to telework, teleworking 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, monthly bills, and/or internet records.
3. Requirements for use of Secure Remote Access to City systems via City equipment or non-City equipment are described in [Teleworking with Secure Remote Access](#) and [Technology Services Administrative Rule 2.04](#). The teleworking employee is responsible for ensuring that software used on non-City premises is compatible with City standards (e.g., Microsoft Office Suite).

## **M. Computer Support**

1. Technology Services may provide limited remote computer support on City-owned equipment. 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 Technology Services supported software and/or hardware. It is possible that some updates will require that City-owned equipment be brought to a City facility. Teleworking employees in need of technology help should contact the [Technology Services Helpdesk](#) to discuss the best option for their situation.
2. Technology Services is responsible for maintaining and troubleshooting any City-owned computer equipment, such as laptop computers. Technology Services is not responsible for maintaining or troubleshooting non-City-owned computer equipment or software.

#### **N. Reimbursable Expenses**

Generally, the Auditor's Office will reimburse a teleworking employee for work-related expenses that the Auditor's Office would have borne if the employee was working onsite in the office.

1. When possible, supplies required to complete assigned work at the telework work site should be obtained from the office during the teleworker's in-office work periods. Out-of-pocket expenses for materials and supplies that are otherwise available at the office will not be reimbursed.
2. The cost of internet access, personal equipment (if being used), and non-standard office supplies or non-standard equipment will be borne by the teleworking employee.

#### **O. Emergencies**

1. During a state of emergency, if the Mayor or designee directs that all eligible employees are required to telework, the Auditor's Office will permit eligible employees to do so, regardless of whether the employee had a prior telework arrangement. Employees teleworking for more than 30 calendar days due to a

state of emergency should complete a Telework Agreement as soon as reasonably possible, but no later than 60 calendar days after they begin teleworking.

2. In rare circumstances, such as a building fire or flood, the City Auditor may require eligible employees to temporarily telework until the damage is repaired.
3. 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 their regular work location on that day are encouraged to perform their work assignments by teleworking.

## **P. Workers' Compensation**

The City will process claims for work-related injury or occupational disease consistent with Oregon workers' compensation laws. See [Auditor's Office Administrative Rules 6.13 - Supplemental Workers' Compensation Benefits](#) and [7.08 - Injured Employee Return to Work](#) for more information.

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## **Auditor's Office Administrative Rule Information and History**

Questions about this administrative rule may be directed to the [Auditor's Office's Operations Management Division](#).

Adopted by the City Auditor December 11, 2017.

Adapted from [City of Portland Human Resources Administrative Rule 4.04 - Telework](#).

Adopted by Council March 6, 2002, Ordinance No. 176302.

Revised February 15, 2018.

Revised by the City Auditor on October 5, 2020, as an interim rule effective for not more than 180 days.

Amended by the City Auditor after a 30-day public comment period on September 29, 2022.