



300 E. Main Street, Suite 800 | El Paso, TX 79901 | 915.887.2600 | Borderplexjobs.com

Remote Working/Telecommuting Policy

The concept of a ‘remote work arrangement,’ or ‘telecommuting,’ allows employees to work at home, on the road during business travel, or in a satellite location instead of at the Workforce Solutions Borderplex (WSB) Administration Office by using the Internet and electronic communication systems. An example of telecommuting is when an employee is permitted to work on a short-term project on his or her home computer or check emails away from the office.

WSB permits employees to work on a remote basis (i.e., ‘telecommute’) in limited situations if, in the discretion of the CEO, the employee’s job duties, position, and workload are properly suited for ‘telecommuting’ and the arrangement is in the best interests of WSB and its operations. In some instances, a temporary remote assignment may be considered for an employee who is able to work, but unable to attend work at the office (i.e., due to an illness or temporary impairment).

In other instances, such as during inclement weather events (snowstorms, excessive rains) or epidemics (bad flu season, a pandemic) or another similar type of *business disruption event* (fire, natural disaster, terrorist event), WSB may require certain employees to continue working at home or on a remote basis in order to ensure the critical functions of WSB’s services – workforce services for workers, businesses and other populations – is not disrupted or threatened.

This procedure sets forth the guidelines when remote work and telecommuting is allowed or required at WSB. First and foremost, as a workforce development board serving workers, adults, youths, businesses and the public, the majority of job functions at WSB simply do not lend themselves to a remote work or telecommuting arrangement. For instance, an employee who needs to visit a training provider or workforce center site cannot be performed remotely from home because the work to be performed must occur on-site at a particular location. Another example of a position that is not appropriate for telecommuting is a position that involves reception/secretarial duties or close supervision. However, there are some management, administrative, clerical, information technology systems, data-entry, accounting, human resources, or office-related/special project functions that can be performed, on a temporary and limited basis, away from the office.

Before entering into any telecommuting agreement, the manager, with the assistance of the human resource department, will evaluate the suitability focusing first on the business needs of the organization.

1) Employee Voluntary Requests to Perform Remote Work

The process for an employee to request a remote or telecommuting assignment is as follows:

a) Request in Writing

Any request to work remotely or telecommute must be made in writing to the CEO.



300 E. Main Street, Suite 800 | El Paso, TX 79901 | 915.887.2600 | Borderplexjobs.com

b) Decision on Case-by-Case by CEO

No employee has the right to work remotely or telecommuting. Rather, the decision whether to approve a telecommuting arrangement will be made on a case-by-case basis by the CEO, in his or her sole discretion, based on the nature of the employee's job duties and responsibilities, the technical feasibility of the remote work arrangement, and the interests of the organization as a whole.

c) Approval in Writing

Only the CEO can approve a telecommuting arrangement, and the approval must also be in writing (i.e., signed memorandum or email). If the CEO approves an employee to work remotely or telecommute, the manager will set out the length of the telecommuting assignment and notify the employee of any restrictions on the type of work that can be performed away from the office.

d) Limitations/Restrictions on Remote Assignment

If an employee is permitted to work a routine telecommuting assignment, the manager will set forth the number of days/hours of telecommuting allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication/reporting in.

e) Employee Must Supply and Is Responsible for Equipment and Costs of Remote Work

If an employee is telecommuting or working remotely based on the employee's own voluntary request, he or she must supply his or her own equipment (i.e., computer, printer, communication connection) and will not be reimbursed by WSB for any telecommuting-related expense. Stated otherwise, WSB will not be responsible for any costs associated with initial or continued setup of the employee's home office such acquisition of a computer or for items such as remodeling, furniture, electricity, internet, or lighting for the home office space. The employee further agrees and understands that WSB is not responsible or liable for any damage to the employee's computer, printer, fax or other home office equipment; and if any damage (such as a hardware failure) occurs, the employee will be solely responsible for the cost of repairs or replacement. Compliance with any tax or other legal implications for the business use of the employee's home based on Internal Revenue Service (IRS) and/or state and local government restrictions are the sole responsibility of the employee.

f) Telecommuting While on Leave/As Reasonable Accommodation

Telecommuting arrangements may be possible for employees on family, medical, or personal leave, to the extent feasible for the employee (considering his or her position, duties and workload) and the organization. If an employee is off work on a medical leave, an employee may only telecommute or work remotely with the consent of the employee's health care provider and the CEO. Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to



300 E. Main Street, Suite 800 | El Paso, TX 79901 | 915.887.2600 | Borderplexjobs.com

accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business and operational demands.

2) **Mandatory Remote/Off-Site Assignments – Business Disruption Events**

There are potential business disruption events where employees may be required to work on a remote or off-site basis. While WSB cannot predict when or how such a business disruption event may occur, this type of scenario is most likely to arise in an emergency situation such as extremely bad weather, pandemic, temporary shut down due to fire or natural disaster, or other events beyond WSB's control. If such a business disruption event arises, WSB still has an obligation to continue its services, operations, and business. Specifically, WSB will need to continue to operate for the benefit of the people and businesses it serves (and to monitor its contractors), but at the same time need to preserve and protect the health, safety, and security of the people and businesses its serves and our own staff. In the unlikely event of a business disruption event, the CEO has the authority to direct employees to continue working, but from an off-site, remote location.

If employees are required to work remotely, WSB will either (1) provide them with the computers or devices they need to work remotely or (2) provide reasonable and appropriate reimbursements to employees for actual costs incurred by virtue of having to work from home or a remote location. Employees will be required to provide receipts for any reimbursements sought pursuant to this section.

3) **Policy and Expectations Applicable to All Remote Assignments**

a) Communication/Availability During Work Hours

The employee working remotely, or telecommuting must remain in contact with his or her manager and work team. Furthermore, the employee who is telecommuting agrees to be accessible by phone and email within a reasonable time period during the agreed-on remote work schedule.

b) Privacy, Confidentiality and Security of Information

Consistent with the organization's expectations (and applicable legal requirements) of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary organizational and program participant information accessible from their home office or remote workstation. Steps include use of locked file cabinets and desks, regular password maintenance, and any other steps appropriate for the job and the environment. The employee working on a remote basis must maintain his or her equipment in such a fashion as to ensure the privacy, confidentiality and security of WSB's records. It is the telecommuting employee's obligation to ensure that any and all federal or state laws that protect program participant privacy must be observed. If the employee lacks appropriate equipment to permit him or



300 E. Main Street, Suite 800 | El Paso, TX 79901 | 915.887.2600 | Borderplexjobs.com

her to work remotely in a safe and secure manner, WSB will not permit the employee to work remotely.

c) Hourly Employees

Hourly employees are defined as employees who, based on duties performed and the manner of compensation, are subject to all Fair Labor Standards Act (FLSA) provisions. If an hourly-paid employee is allowed to telecommute, all time spent working remotely is considered paid time that must be noted on the employee's time worked records. Consistent with WSB's personnel policies, if an hourly-paid employee will exceed 40 hours in a week and incur overtime, the employee must request permission in advance and receive approval to work overtime before overtime is incurred. If an employee incurs overtime without permission, he or she will be paid for the overtime, but it subject to disciplinary action, up to and including termination of employment, for working unapproved overtime.

d) Exempt Employees

Exempt employees are defined as employees who, based on duties performed and the manner of compensation, are exempt from the FLSA, minimum wage and overtime provisions. Exempt employees are expected to fulfill the duties of their position(s) regardless of hours worked. Telecommuting time is not considered work in excess of the standard workweek. Exempt employees will work without the expectation of additional paid time off.

e) Performance Expectations

Employees who are working remotely or telecommuting will be held to the same or higher performance standards that employees who are present at the office or working on-site at the properties. Please understand that working from home is a privilege, not a right. If an employee fails to perform while telecommuting, the employee is subject to counseling, negative implications in their performance evaluation and/or disciplinary action.

f) Termination of Telecommuting Arrangement at Will

An employee's remote work or telecommuting status is not guaranteed for any duration and may be terminated at will by WSB. Employees have no property right in a telecommuting or remote work assignment. Therefore, the availability of telecommuting as a flexible work arrangement for employees of WSB can be discontinued at any time, for any reason, with or without notice, at the discretion of the CEO.