



**CITY OF BEVERLY HILLS**  
**OFFICE OF THE CITY AUDITOR**

**MEMORANDUM**

**TO:** Shelley Ovrom, Director of Human Resources

**CC:** Kirsten Rowe, Assistant Director of Human Resources  
Michael Nettles, Human Resources Manager  
Sharon L'Heureux Dressel, Risk Manager

**FROM:** Eduardo Luna, City Auditor

**DATE:** December 30, 2020

**SUBJECT:** Benchmarking Reimbursement Policies and Telework Guidance

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The Office of the City Auditor (OCA) conducted a survey of teleworking employees within the Confidential, Management and Professional (M&P) and Municipal Employees Association (MEA) between October 22, 2020 and December 1, 2020. The purpose of the survey was to obtain staff feedback on their telework experience and ideas for innovation within their respective departments' operations.

The survey found that a majority of respondents reported that since they began teleworking, service levels have remained about the same, with roughly a quarter of respondents reporting increases. Respondents also reported increased levels of personal productivity, better work/life balance, and reduced commuting costs.

Additionally, the survey highlighted respondents' concerns regarding the use of personal cell phones for business purposes. While current City technology allows employees to forward calls from desk lines to cell phones, respondents: 1) expressed discomfort with using their private cell phones; 2) noted a loss in productivity as managing multiple phone calls from a cell phone was less than efficient; and 3) suggested that if personal phones are used, the City should reimburse costs. Respondents also raised the issue of reimbursement as it relates to home office setup and equipment and supplies.

We are sharing the information within because, while the survey occurred during the pandemic, the issues raised by respondents are not temporary and not exclusive to a pandemic working environment. Also, during the Entrance Conference for the Government Innovation Audit, Human Resources staff inquired about expenses related to telework reimbursement, what reimbursement would look like, and how reimbursements would be evaluated. This memo is a fact sheet that summarizes benchmarking conducted on telework reimbursement policies and telework guidance in various municipalities.



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In **Appendix I**, we summarize research related to reimbursement policies for teleworking employees. While some entities already have existing telework pandemic mitigation strategies and directives shifted employees from an office environment to a remote one. In many cases, costs associated with office supplies, phone usage, and other work-related costs shifted to employees. Literature and discussions on this topic are evolving and as such, we only offer a snapshot of current discourse. We offer no legal opinions and strongly recommend that Human Resources and City Management consult with the City Attorney's Office for further advisement.

In **Appendix II**, we reviewed the City and County of San Francisco, the County of Los Angeles, and the cities of Sacramento, San Jose, Santa Monica, and West Hollywood. For each benchmarked entity, we identified the purpose of the telework policy, described benefits, and employee eligibility criteria, and reimbursement guidance.

Additionally, we summarize agreement options (e.g. working from home, a shared workspace, etc.), telework safety conditions that must be met for approval, and security requirements and applicable laws. Lastly, we identify if there is a central repository for telework information (e.g. website) and identify key concepts that are specific to the policies (e.g. training requirements, etc.).

Eduardo Luna  
City Auditor



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## **Appendix 1: California Law and COVID-19-Related Reimbursement Expense Considerations**

This topic is one best vetted by the legal experts and the City Attorney's Office and we offer no legal opinions. To that end, the sources we cite and reviewed offer no legal opinions as well. We do however, provide a summation of current discourse on reimbursement expenses as it relates to California law and/or practices of other jurisdictions and/or countries.

California Labor Code Section 2802 states that:

*"An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer...the term "necessary expenditures or losses" shall include all reasonable costs..."*

### **Use of Personal Cell Phones**

According to the Society for Human Resource Management (SHRM), one example of a common business-related expense includes an employee's use of a personal cell phone.<sup>i</sup> An August 2019 SHRM article stated that:

- A California court case held that employers must reimburse employees when they are required to use their personal cell phone for work;<sup>ii</sup>
- If the actual cost of cell phone use cannot be determined, the employer is required to pay reimbursement for a "reasonable percentage" of the cell phone bill; and
- Employees must maintain all records related to the reimbursement request for three years.

In the employee telework survey, many respondents indicated that they are using personal cell phones to conduct City business (e.g. customer service calls with the public, answering the City Hotline, communicating with work colleagues, etc.). Benchmarking suggests that entities should have clearly defined policies about reimbursements for employees conducting business on personal cell phones. For the City of Beverly Hills (City), Administrative Regulation No. 3B.19 Cell Phone Procurement, Reimbursement and Use Policy (AR No. 3B.19), establishes a uniform policy and procedure for City-paid or reimbursed cell phones. According to AR No. 3B.19:

- City-owned cell phones may be issued to certain job classifications including Public Safety Officers, City Manager, Police and Fire Chiefs, and other positions as determined by the Department Head – with approval of City Manager.



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- Personal cell phone reimbursement allowances may be issued to:
  - Department Directors, Assistant Directors, and Senior Management employees required to procure and maintain own phone and service and/or who may need to be contacted on 24 hour/7 days per week basis;
  - Other City employees required by their department head to have cell phone to conduct City business and/or may need to be contacted during their "on-duty" time; and
  - Other City employees who use their cell phone to conduct City business at the discretion of the department, according to City's policy on reimbursing employee expenses, and for the actual costs of calls.
- All reimbursement for cell phone purchases or monthly service use, as well as issuance of City-owned cell service, is based upon fund availability within each department's fiscal year budget.

Specific requirements and procedures are outlined in detail in the regulation.

**General Sentiments Regarding COVID-19 Related Reimbursements for Internet and Supplies**

While California stipulates that employees must be reimbursed for reasonable costs, the amount of the reimbursements for COVID-19-related equipment, supplies, and other costs can vary. To that end, literature available on this topic suggests that employers analyze the types of resources, supplies, costs, etc. used by employees during COVID-19 that may not have been an issue under voluntary work-from-home circumstances – such as home electricity, printer paper, personal cell phone use, etc.<sup>iii</sup> Also, while assessments of employee reimbursement expenses may be assessed on a case-by-case basis, it is prudent to develop baseline criteria.

**Exhibit A.1** provides a high level overview of reimbursement considerations. In summary:

- Research suggests that employers develop reimbursement policies that best fit their respective workplaces, individual policies, workplace values, and budgetary constraints and that are in compliance with applicable laws and regulations. Examples include:
  - Twitter reimbursing employees (amount undisclosed) for home office setup expenses;
  - Uber providing a \$500 stipend for home office setup expenses; and
  - Some employers paying a monthly stipend (e.g. \$50) to employees who may already pay a monthly bill for private internet and cell phone use;



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**Exhibit A.1: COVID-19-Related Employee Reimbursement Considerations**

Reference	Reimbursement Considerations
<b>Baker Hostetler, LLP</b>  <b>FAQs: Expense Reimbursement Amidst the New Work-From-Home Normal<sup>iv</sup></b>	<ul style="list-style-type: none"> <li>• Establish or revamp reimbursement policies               <ul style="list-style-type: none"> <li>◦ Inform employees</li> </ul> </li> <li>• Historically, in office environment, employer provides supplies/resources (e.g. printer paper, pens/pencils, monitors, internet, electricity, phones, etc.)               <ul style="list-style-type: none"> <li>◦ Employers should consider reimbursing costs such as a reasonable percentage of use of home electricity, personal cell phones, printer paper, pens/pencils, etc.</li> </ul> </li> <li>• Employers should assess expenses on case-by-case basis</li> </ul>
<b>Society for Human Resource Management (SHRM)</b>  <b>Telework and the Pandemic: California Employment Laws Still Apply<sup>v</sup></b>	<ul style="list-style-type: none"> <li>• Draft remote-work agreements that include:               <ul style="list-style-type: none"> <li>◦ Assessing what employees need to do their jobs vs preferences</li> <li>◦ According to article, most people already pay for monthly data plans and internet access for phones and home computers                   <ul style="list-style-type: none"> <li>▪ But when using for work, employers should provide stipend to defray costs (e.g. \$50 p/month)</li> </ul> </li> </ul> </li> </ul>
<b>Twitter Company Blog By Jennifer Christie<sup>vi</sup> (Chief HR Officer)</b>  <b>March 2020</b>	<ul style="list-style-type: none"> <li>• All employees (includes hourly workers and contractors) to receive reimbursement for home office set-up expenses (amount undisclosed)</li> <li>• Listened to employee feedback and expanded policy to include home office equipment (e.g. desks, chairs, ergonomic chair cushions)</li> <li>• In May 2020, Twitter announced it was offering remote working as a permanent option</li> </ul>
<b>Business Insider – Uber announces employees can work from home through June 2021, and its giving them \$500 for their home office<sup>vii</sup></b>  <b>August 4, 2020</b>	<ul style="list-style-type: none"> <li>• Corporate employees to receive \$500 stipend for home office setup</li> <li>• According to Uber Blog:<sup>viii</sup> <ul style="list-style-type: none"> <li>◦ Instead of encouraging employees to work from kitchen counters or couches, help them upgrade their home office</li> </ul> </li> <li>• Consider a stipend to put towards furniture, tech, tools that improve concentration and comfort</li> </ul>



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Reference	Reimbursement Considerations
<b>Society for Human Resource Management (SHRM)</b>  <b>When Should Employers Reimburse Expenses for Remote Workers<sup>ix</sup></b>	<ul style="list-style-type: none"><li>• National Institute for Family Finance Information – in the Netherlands – determined average per/worker per/day workplace expenses as \$2.40 USD<ul style="list-style-type: none"><li>○ Calculation includes what would normally be received free in the office during work hours – coffee/tea, toilet paper, internet access, utilities<ul style="list-style-type: none"><li>▪ Does not cover new furniture, computers, phones, other equipment employees should receive from employer<sup>x</sup></li></ul></li><li>○ Dutch authorities using research to provide \$429 bonus to cover teleworking employees</li><li>○ Counter-arguments<ul style="list-style-type: none"><li>▪ Bosses argue that extra payments make little sense when COVID-19 has negatively impacted economy</li><li>▪ Calculations do not reflect benefits remote workers enjoy</li><li>▪ Workers getting more free time in exchange – such as average time savings of daily commutes</li></ul></li></ul></li></ul>

Source: Auditor generated based on the sources cited within.

Within the City of Beverly Hills' telework survey, we should note that respondents, in addition to using their personal cell phones for business purposes, indicated that they lacked ergonomic equipment and other in-home office set-up equipment (e.g. second monitor, chair, ergonomic keyboards, etc.). To that end, in addition to the aforementioned research on COVID-19 stipends, we should note that per our benchmarking, the City of San Jose, as part of its voluntary telework program, has an option to provide equipment to staff via a check-in and check-out procedure to minimize equipment costs to employees and/or equipment reimbursement costs for the City (See City of San Jose Benchmarking in **Exhibit A.2**).



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**Appendix II: Summary of Benchmarking Policies in Various Municipalities**

This appendix summarizes telework guidance from various municipalities. As shown in **Exhibit A.2**, in four of the six jurisdictions we reviewed, teleworking was already an employee scheduling option pre-pandemic. Additionally, these cities use telework as a tool for addressing various strategic goals related to, but not limited to, recruitment and retention and decreasing energy consumption, air pollution, and traffic congestion. The cities of Santa Monica and West Hollywood are utilizing telework in a temporary capacity in response to the COVID-19 pandemic. As for reimbursements, cities with existing telework policies, with the exception of the City of Sacramento, clearly delineated reimbursable items.

**Exhibit A.2: Elements in Telework Policies of Benchmarked Cities and Counties**

	City/County/Entity	Policy Status	Purpose	Benefits of Teleworking	Eligibility Criteria	Policy & Procedures	Reimbursement Guidance	Agreement Options	Worksite Requirements	Security and Laws	Telecommute Employee Waiver	Key Concepts
1	City and County of San Francisco	City Practice	X	X	X	X	X	X	X	X	X	-
2	City of Sacramento	City Practice	X	X	X	X	-	-	-	X	X	X
3	City of San Jose	City Practice	X	X	X	X	X	-	X	X	-	X
4	City of Santa Monica	No Policy Found	-	-	-	-	-	-	-	-	-	-
5	City of West Hollywood	Temporary	X	-	X	X	X	-	X	X	-	-
6	County of Los Angeles	City Practice	X	X	X	X	X	X	X	X	X	X

Source: Auditor generated based on review of the telework policies, telework websites, etc. of the benchmarked entities within.



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<b>City and County of San Francisco (City Practice)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Arrangement between eligible employees and City and County (City) employees</li> <li>• Work in designated area outside of the office</li> </ul>
<b>Benefits of Teleworking</b>	<ul style="list-style-type: none"> <li>• Function during emergency</li> <li>• Increased productivity and improved morale/job satisfaction</li> <li>• Efficient use of City resources, including office space</li> <li>• Recruitment and retention tool</li> <li>• Flexibility for employees and departments</li> <li>• Reduced employee absenteeism</li> <li>• Reduced employee commute time and costs</li> <li>• Decreased energy consumption, air pollution, traffic congestion, etc.</li> </ul>
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>• Based on position suitability               <ul style="list-style-type: none"> <li>◦ Including, but not limited to, the position having measureable deliverables and not requiring immediate presence at worksite to address unscheduled events</li> </ul> </li> <li>• Based on employee eligibility</li> <li>• Including, but not limited to, consistently high rate of productivity, effective communication skills, and high level skill and job knowledge</li> </ul>
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Telecommuting privilege, not a right</li> <li>• Must have approved telecommuting agreement</li> <li>• Does not change employee duties, terms of employment, etc.</li> <li>• Employees must perform work during scheduled telecommuting hours</li> <li>• Employees must:               <ul style="list-style-type: none"> <li>◦ Read policy and guidelines</li> <li>◦ Complete eLearning module</li> <li>◦ Submit agreement for approval</li> <li>◦ Complete telecommuting survey before telecommuting</li> </ul> </li> </ul>
<b>Reimbursement Guidelines</b>	<ul style="list-style-type: none"> <li>• Telecommuting intended to be cost neutral</li> <li>• <b>City not required/assumes no responsibility for:</b> <ul style="list-style-type: none"> <li>◦ Provide materials or supplies to establish alternate worksite (desk, chair, computer, software, cell phone, fax, copier, etc.)</li> <li>◦ Set-up or operating costs at alternate worksite (telephone, internet, etc.)</li> </ul> </li> <li>• <b>Departments have sole discretion to:</b> <ul style="list-style-type: none"> <li>◦ Provide equipment, software, supplies, or allow employees to use own</li> </ul> </li> </ul>





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<b>City and County of San Francisco (City Practice)</b>	
	<ul style="list-style-type: none"><li>○ Reimburse employees for costs of using personal equipment while telecommuting (should be clearly addressed in department's telecommuting agreement)</li><li>● If department does not have equipment and supplies and employee does not have them, employee not eligible to telecommute</li></ul>
<b>Agreement Options</b>	<ul style="list-style-type: none"><li>● Agreements can be regular, recurring, or occasional</li><li>● Telecommuting employees must be available to work onsite if needed</li></ul>
<b>Worksite Requirements</b>	<ul style="list-style-type: none"><li>● Employees must work in safe and efficient environment (City may request pictures)</li><li>● Employees covered by worker' compensation laws</li></ul>
<b>Security and Laws</b>	<ul style="list-style-type: none"><li>● All files, records, papers, other materials creating while telecommuting are City property</li><li>● Public Records Act and Sunshine Ordinance apply to telecommuting employees</li></ul>
<b>Telecommute Employee Webpage</b>	Yes <a href="https://sfdhr.org/telecommute">https://sfdhr.org/telecommute</a>
<b>Key Concepts</b>	-



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<b>City of Sacramento (City Practice)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Gives eligible employees opportunity to work in designated location away from office</li> <li>• At discretion of City</li> </ul>
<b>Benefits of Teleworking</b>	<ul style="list-style-type: none"> <li>• Successful program meets needs of employee and employer</li> </ul>
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>• Answer telecommute criteria questions</li> <li>• City materials needed; specific tasks performing; method and frequency of communication with supervisor; description of work product review; process for evaluating satisfactory job performance</li> </ul>
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Teleworking is a voluntary work assignment</li> <li>• Interested teleworkers must:               <ul style="list-style-type: none"> <li>○ Review and complete telework criteria questions</li> <li>○ Determine if need VPN access</li> <li>○ Complete Telecommute Request Form</li> <li>○ Sign policy documents, detail justification form, and VPN request form (if needed) received via email</li> <li>○ Await approval</li> <li>○ Set up remote office</li> </ul> </li> </ul>
<b>Reimbursement Guidance</b>	<ul style="list-style-type: none"> <li>• None specified in telework policy               <ul style="list-style-type: none"> <li>○ If interested, further review of City's policies may be necessary to rule out</li> </ul> </li> </ul>
<b>Agreement Options</b>	-
<b>Worksite Requirements</b>	-
<b>Security and Laws</b>	<ul style="list-style-type: none"> <li>• Teleworking website provides links to City policies, including IT Resource Policy</li> </ul>
<b>Webpage</b>	Yes <a href="https://www.cityofsacramento.org/HR/Telecommute">https://www.cityofsacramento.org/HR/Telecommute</a>
<b>Key Concepts</b>	<ul style="list-style-type: none"> <li>• City uses:               <ul style="list-style-type: none"> <li>○ Office 365 (Outlook, email, SharePoint, Teams, One Drive, etc.</li> <li>○ Cisco Jabber (Smartphone app allows making and receiving calls using desk phone number; can also check voicemail with Visual Voicemail, Call Forward, and make video calls)</li> </ul> </li> </ul>



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<b>City of San Jose (City Practice)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"><li>• Provide Flexibly Workplace Program (FWP)</li><li>• Same as benefits</li></ul>
<b>Benefits of Telecommuting</b>	<ul style="list-style-type: none"><li>• Increase productivity by allowing employees to commute less and have more time with job duties</li><li>• Support employee work/life balance</li><li>• Reduce workforce carbon footprint through reduced trips</li><li>• Decrease traffic congestion by allowing employees to travel during non-peak hours</li><li>• Increase employee job satisfaction</li><li>• Attract and retain employees</li><li>• Protect employee health and safety and reduce risk of exposure to communicable disease, when necessary</li><li>• Allow for continuity of government services during emergencies</li></ul>
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"><li>• Permanent employee status</li><li>• At least six months (1040 hours) of employment with the City</li><li>• Overall rating of "Meets Standards" or higher on most recent performance appraisal</li><li>• Employees must be able to perform duties as productively offsite as at designated worksite</li><li>• Participation should not lower service delivery of work unit</li><li>• Employees must have adequate internet and telecommunications capabilities to perform job requirements</li><li>• Employee expenses not specifically covered in policy must be pre-approved by employee's department</li></ul>



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<b>City of San Jose (City Practice)</b>	
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Agreement to schedule portions of work week away from regular worksite</li> <li>• Employees would work full workday</li> <li>• Times and number of hours in office to be scheduled differently between individual days of the week</li> <li>• FWP schedule must be consistent, approved before commencement, and combined with days and hours worked at worksite</li> <li>• Under special circumstances or in the event of a declared emergency, employees who are able to work a majority or all of their scheduled hours remotely may be required to do so</li> <li>• Employees, who occasionally work away from office and not on a regular basis, can do so upon approval; compensated according to terms of applicable MOU</li> <li>• Inability to enter a FWP agreement shall not be subject to grievance procedure</li> <li>• Remain unchanged               <ul style="list-style-type: none"> <li>○ Duties, obligations, responsibilities, and conditions of employment</li> <li>○ Salary, retirement, benefits, and City-sponsored insurance coverage</li> <li>○ Obligation to comply with all City, State, and Federal rules, policies, and practices, and City Code of Ethics</li> </ul> </li> <li>• Violations of any policies or misuse of City time and equipment may result in preclusion from the program and/or disciplinary action – up to and including termination of employment               <ul style="list-style-type: none"> <li>○ FWP voluntary and may be suspended or cancelled by employee or City/Department at any time</li> <li>○ Termination is administrative and decision may not be subject to grievance procedure or appealed</li> </ul> </li> <li>• Steps               <ul style="list-style-type: none"> <li>○ Application and Approval                   <ul style="list-style-type: none"> <li>▪ Apply by completing Flexible Workplace Agreement and submit to supervisor for approval</li> <li>▪ Renew annually</li> <li>▪ In emergency, Department Directors may determine that employees are required to perform all or some of their duties remotely</li> </ul> </li> <li>○ Scheduling                   <ul style="list-style-type: none"> <li>▪ Operational needs of City take precedence over FWP schedule</li> <li>▪ Schedule occurs consistently</li> <li>▪ Shall be accessible as their on-site counterparts</li> <li>▪ Required to maintain communication with supervisors</li> <li>▪ Must forgo working off-site if needed in the office or worksite on day regularly scheduled for remote work</li> </ul> </li> <li>○ Time Accountability                   <ul style="list-style-type: none"> <li>▪ Promptly respond to supervisors and team during work hours</li> <li>▪ Messages communicated as urgent must be answered within 30 minutes</li> </ul> </li> </ul> </li> </ul>



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<b>City of San Jose (City Practice)</b>	
	<ul style="list-style-type: none"> <li>▪ Actual time worked must be accurately recorded on timesheet; fraudulent reporting is subject to discipline – up to and including termination from City service</li> <li>○ Work Environment           <ul style="list-style-type: none"> <li>▪ Designated workspace shall be approved by City and maintained by employee</li> <li>▪ Workspace subject to inspections, upon request</li> <li>▪ Participant responsible for any cost related to remodeling and setup of designated workspace</li> <li>▪ Subject to approval by Department Director, employees may take minor office equipment home – including computer peripherals and chairs; Participant must follow all department check-in and check-out procedures</li> </ul> </li> <li>○ Equipment           <ul style="list-style-type: none"> <li>▪ Participant required to have installed and maintained at own expense:               <ul style="list-style-type: none"> <li>• Internet enabled device with internet access</li> <li>• Required applications</li> <li>• Sufficient power/storage to run programs to efficiently perform job</li> </ul> </li> <li>▪ Department may decide to provide equipment/software who works at FWP location at least 60 percent of the time; Equipment/software remains property of City</li> </ul> </li> <li>○ Monitoring and Evaluation           <ul style="list-style-type: none"> <li>▪ Since not every task can be quantifiably measured, supervisor should establish clear expectations and guidelines</li> <li>▪ Employees required to participate in all studies, inquiries, reports, and analysis, including annual survey, relating to the program (individual responses will not be published but data compiled and made available to public without identification of employees)</li> <li>▪ Each department designates FWP representative for department's program evaluation (e.g. monitoring changes in employee retention and absenteeism, changes in required parking spaces, reports on employee productivity, etc.)</li> </ul> </li> </ul>
<b>Reimbursement Guidance</b>	<ul style="list-style-type: none"> <li>• Responsibility of employee:           <ul style="list-style-type: none"> <li>○ Expenses for long distance calls made out of designated office location, unless otherwise indicated by department</li> <li>○ All internet related expenses</li> <li>○ Individual tax implications related to home workspace modifications</li> </ul> </li> </ul>
<b>Agreement Options</b>	-
<b>Worksite Requirements</b>	<ul style="list-style-type: none"> <li>• FWP workstation is an extension of City's workspace</li> <li>• Employees encouraged to watch City's safety, hygiene, and ergonomics training videos to ensure proper set-up of workspace</li> </ul>



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<b>City of San Jose (City Practice)</b>	
<b>Security and Laws</b>	<ul style="list-style-type: none"><li>• Security<ul style="list-style-type: none"><li>○ Security information is valuable City asset and must be protected from unauthorized, incorrect, or accidental access, use modification, destruction or disclosure</li><li>○ Must comply with City Policy Manual Section 1.7.6 the Information Security Policy and City Policy Manual Section 1.7.3 Remote Access</li></ul></li><li>• Worker's Compensation<ul style="list-style-type: none"><li>○ FWP participants covered under City's Workers' Compensation Insurance Program</li><li>○ Employee remains liable for injuries to third parties and/or members of employee's family on employee's premises</li></ul></li></ul>
<b>Telecommute Employee Webpage</b>	-
<b>Key Concepts</b>	<ul style="list-style-type: none"><li>• Conducts annual survey for the FWP Program</li></ul>



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<b>City of Santa Monica (Appears Temporary)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"><li>• Some of City workforce telecommuting in response to COVID-19 pandemic</li></ul>
<b>Benefits of Telecommuting</b>	-
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"><li>• Only essential staff will work onsite while most of workforce will telework and collaborate through teleconferencing</li></ul>
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"><li>• Telework policy, if existent, not on City website<ul style="list-style-type: none"><li>○ If interested, further research necessary</li><li>○ No mention of telework policies in Confidential Unrepresented Employees, Management Team Association, and Municipal Employees Association union agreements</li></ul></li></ul>
<b>Reimbursement Guidance</b>	-
<b>Agreement Options</b>	-
<b>Worksite Requirements</b>	-
<b>Security and Laws</b>	-
<b>Telecommute Employee Webpage</b>	-
<b>Key Concepts</b>	-



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<b>City of West Hollywood (Temporary)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Temporary telecommuting due to COVID-19 outbreak and guidance               <ul style="list-style-type: none"> <li>○ State and County departments of public health regarding social distancing</li> <li>○ City of West Hollywood City Council</li> </ul> </li> </ul>
<b>Benefits of Telecommuting</b>	-
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>• Temporary policy applies Citywide               <ul style="list-style-type: none"> <li>○ Departments strongly encouraged to make telecommuting available to all eligible employees in their departments in support of public health goals of limiting spread of virus</li> <li>○ Not all positions telecommute eligible</li> </ul> </li> <li>• General guidelines include, but are not limited to:               <ul style="list-style-type: none"> <li>○ Work that can be performed away from workplace without need for regular public contact or frequent interaction with supervisor, etc.</li> <li>○ Employee's immediate presence at regular worksite to address City business or public safety is not regularly required</li> <li>○ Work not essential to on-site workflow</li> </ul> </li> </ul>
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Telecommuting               <ul style="list-style-type: none"> <li>○ Is a privilege, not a right</li> <li>○ Is within discretion of Division Manager or Department Head</li> <li>○ Arrangements will terminate when City Council proclaims termination of Local Emergency</li> </ul> </li> <li>• Agreement between City and employee for employee to work in designated area outside office, including from home</li> <li>• Telecommuting may be combined with or also require working from regular job site</li> <li>• Division Manager or Department Director may deny, end, or modify Emergency Telecommuting Agreement, but not unreasonably               <ul style="list-style-type: none"> <li>▪ Telecommuting employee may end telecommuting at any time</li> </ul> </li> <li>• Employees approved for telework must:               <ul style="list-style-type: none"> <li>○ Sign City's Emergency Telecommuting Agreement                   <ul style="list-style-type: none"> <li>▪ Division/Department maintain copy and provide copy to HR</li> </ul> </li> <li>○ Perform regular job duties and obligations and abide by terms of employment                   <ul style="list-style-type: none"> <li>▪ Employees may be assigned tasks/assignments outside regular duties during emergency to provide opportunities to perform job duties that can be done remotely</li> <li>▪ Employees must perform all work during scheduled telecommuting hours and be available via phone, email, instant messaging, web conferencing (e.g. Microsoft Teams)</li> </ul> </li> <li>○ Employees must perform work during scheduled hours and report time spent telecommuting                   <ul style="list-style-type: none"> <li>▪ Required to complete City activity log tracking hours worked</li> <li>▪ Must receive authorization to work overtime</li> </ul> </li> </ul> </li> </ul>





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<b>City of West Hollywood (Temporary)</b>	
	<ul style="list-style-type: none"> <li>▪ Must obtain approval to use sick leave, vacation leave, etc.</li> <li>○ Comply with all City rules, policies, practices, and instructions               <ul style="list-style-type: none"> <li>▪ Failure to adhere to telecommuting policy, not meeting performance expectations, or not being responsive during scheduled shift will result in immediate termination of agreement</li> </ul> </li> </ul>
<b>Reimbursement Guidance</b>	<ul style="list-style-type: none"> <li>• City:               <ul style="list-style-type: none"> <li>○ Not required to provide employees with materials or supplies needed to establish alternate worksite (e.g. desk, chair, computer, cell phone, copier, etc.)</li> <li>○ Assumes no responsibility for set up or operating costs at alternate worksite (e.g. telephone or internet services)</li> <li>○ Not responsible for damage to personal equipment or property while telecommuting</li> </ul> </li> <li>• Departments:               <ul style="list-style-type: none"> <li>○ May, not required to, provide equipment, software, supplies                   <ul style="list-style-type: none"> <li>▪ If so, City may prohibit use of personal equipment</li> </ul> </li> </ul> </li> <li>• Cell Phones               <ul style="list-style-type: none"> <li>○ Non-exempt employees who telecommute, and use personal mobile device, in normal course of duties while telecommuting are eligible to receive cell phone stipend provided to exempt employees in their bargaining unit during term of Emergency Telework Agreement                   <ul style="list-style-type: none"> <li>▪ Must submit written request for stipend to HR and indicate reason why employee using own personal device while telecommuting</li> </ul> </li> </ul> </li> </ul>
<b>Agreement Options</b>	-
<b>Worksite Requirements</b>	<ul style="list-style-type: none"> <li>• Must designate work area suitable for safe, efficient, confident performance of duties</li> </ul>
<b>Security and Laws</b>	<ul style="list-style-type: none"> <li>• Must protect City documents, equipment, software, and supplies (if provided) from theft, damage, and loss</li> <li>• Injuries sustained in home location and in conjunction with regular work duties normally covered by City's workers' compensation policy               <ul style="list-style-type: none"> <li>○ Employees liable for any injuries sustained by visitors to home worksite</li> </ul> </li> <li>• If City receives Public Records Act request (subject to certain exemptions), a telecommuting employee must permit inspection and examination (regardless of whether record is located –such as personal computer or personal mobile device)</li> </ul>
<b>Telecommute Employee Webpage</b>	-
<b>Key Concepts</b>	-



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<b>County of Los Angeles (City Practice)</b>	
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Established in 1989 and expanded since</li> <li>• Innovative workplace option</li> <li>• Contribute to improvement of work quality, increased productivity, achievement of air quality and traffic reduction goals</li> <li>• Management approved arrangement allowing employee to perform work duties during any part of regularly scheduled hours at approved alternative worksite</li> </ul>
<b>Benefits of Telecommuting</b>	<ul style="list-style-type: none"> <li>• Supports County's Strategic Plan and strategies including "Realizing Tomorrow's Government Today"</li> <li>• Supports community wellness</li> <li>• Environmental sustainability               <ul style="list-style-type: none"> <li>◦ Includes support of the County's Clean Air efforts</li> </ul> </li> <li>• Inspires development of workforce</li> <li>• Embraces digital government</li> <li>• Promotes operational effectiveness, fiscal responsibility, accountability</li> <li>• Encourages engagement and information sharing</li> </ul>
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>• Based on completion of procedures and receipt of requisite approvals</li> </ul>
<b>Policy &amp; Procedures</b>	<ul style="list-style-type: none"> <li>• Employees must follow policies, standards, and procedures to remain eligible</li> <li>• Prior to participating, employees and supervisors required to obtain certificate of completion from County Telework Training</li> <li>• Procedures (Appendix 1-7 in Manual)               <ul style="list-style-type: none"> <li>◦ Register and complete online training</li> <li>◦ Complete teleworker agreement                   <ul style="list-style-type: none"> <li>▪ Agreement</li> <li>▪ Telework Location Safety Checklist</li> <li>▪ Telework Task Schedule to manage performance and deliverables (completed at discretion of Telemanager)</li> <li>▪ Telework Supervisor's Checklist (at discretion of Telemanager)</li> </ul> </li> <li>◦ Employee begins telework and reports hours</li> <li>◦ Complete Telework Job Performance Survey at 90-Day milestone to assess job performance</li> <li>◦ Telework may be discontinued at any time</li> </ul> </li> </ul>



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<b>County of Los Angeles (City Practice)</b>	
<b>Reimbursement Guidance</b>	<ul style="list-style-type: none"><li>• County will not pay for, or reimburse for:<ul style="list-style-type: none"><li>○ Maintenance/repair of personal equipment</li><li>○ Utility costs from use of electronics</li><li>○ Costs associated with occupation of the home/offsite location</li><li>○ Out of pocket expenses for supplies regularly available at County office</li></ul></li><li>• County will reimburse business-related telephone calls on personal telephone or cellphone</li></ul>
<b>Agreement Options</b>	<ul style="list-style-type: none"><li>• <u>Hoteling</u> – Alternative work arrangement where work from County facility other than primary location</li><li>• <u>Co-Working</u> – Alternate work arrangement where employee shared workplace with other organizations and agencies</li><li>• <u>Home</u> – Approved remote site of employee's choosing</li></ul>
<b>Worksite Requirements</b>	<ul style="list-style-type: none"><li>• Employee Telework Location Home Safety Checklist (Appendix 2 in Manual)</li></ul>
<b>Security and Laws</b>	<ul style="list-style-type: none"><li>• County's Information and Security Requirements and Procedures</li></ul>
<b>Telecommute Employee Webpage</b>	Yes <a href="https://employee.hr.lacounty.gov/telework-2/">https://employee.hr.lacounty.gov/telework-2/</a>
<b>Key Concepts</b>	<ul style="list-style-type: none"><li>• Policy states that:<ul style="list-style-type: none"><li>○ Telework program can be further developed with support of new technology</li><li>○ Need to move beyond home-based and short-term telework when prompted by emergency or personal injury</li><li>○ Key for success is clear and collaboratively defined expectations and provide options, tools, flexibility to meet objectives</li></ul></li></ul>



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**REFERENCES**

<sup>i</sup> Society for Human Resource Management (SHRM): "What are the business-related expense-reimbursement requirements under California Law?" August 16, 2019

<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/california-businessrelatedexpenses.aspx>

<sup>ii</sup> The case is in reference to Cochran v Schwan Home Service Inc. decided August 12, 2014. Caselaw.findlaw.com:

<https://caselaw.findlaw.com/ca-court-of-appeal/1675681.html>

<sup>iii</sup> Baker & Hostetler LLP: "FAQs: Expense Reimbursement Amidst the New Work-From-Home Normal," August 24, 2020: <https://www.bakerlaw.com/alerts/faqs-expense-reimbursement-amidst-the-new-work-from-home-normal> (Carter Norfleet and Shareef Farag)

<sup>iv</sup> Ibid

<sup>v</sup> Society for Human Resource Management (SHRM): "Telework and the Pandemic: California Employment Laws Still Apply," April 3, 2020: <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/california-telework-coronavirus-pandemic-compliance.aspx>

<sup>vi</sup> Twitter: "Keeping our employees and partners safe during #coronavirus," March 11, 2020:

[https://blog.twitter.com/en\\_us/topics/company/2020/keeping-our-employees-and-partners-safe-during-coronavirus.html](https://blog.twitter.com/en_us/topics/company/2020/keeping-our-employees-and-partners-safe-during-coronavirus.html)

<sup>vii</sup> Business Insider: "Uber announces employees can work from home through June 2021, and its giving them \$500 for their home office," August 4, 2020: <https://www.businessinsider.com/uber-corporate-employees-can-work-from-home-june-2021-stipend-2020-8>

<sup>viii</sup> Uber for Business Uber Blog: "7 Benefits remote workers need now more than ever," August 12, 2020:

<https://www.uber.com/blog/7-benefits-for-remote-workers/>

<sup>ix</sup> Society for Human Resource Management (SHRM): "When Should Employers Reimburse Expenses for Remote Workers?" November 5, 2020: <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/when-should-employers-reimburse-expenses-for-remote-workers.aspx>

<sup>x</sup> Reuters: "Who pays for the toilet paper? The big questions of the work-from-home era," October 6, 2020:

<https://www.reuters.com/article/us-health-coronavirus-netherlands-worker/who-pays-for-the-toilet-paper-the-big-questions-of-the-work-from-home-era-idUSKBN26S0N7>