



RESOLUTION No. 21-494

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AMENDING NEVADA COUNTY PERSONNEL CODE

WHEREAS, the County adopted a comprehensive revised Personnel Code at their December 11, 2018 meeting, per Resolution 18-591; and

WHEREAS, the County adopted subsequent revisions to the Personnel Code by Resolutions 19-602, 20-264, 20-439, and 21-111; and

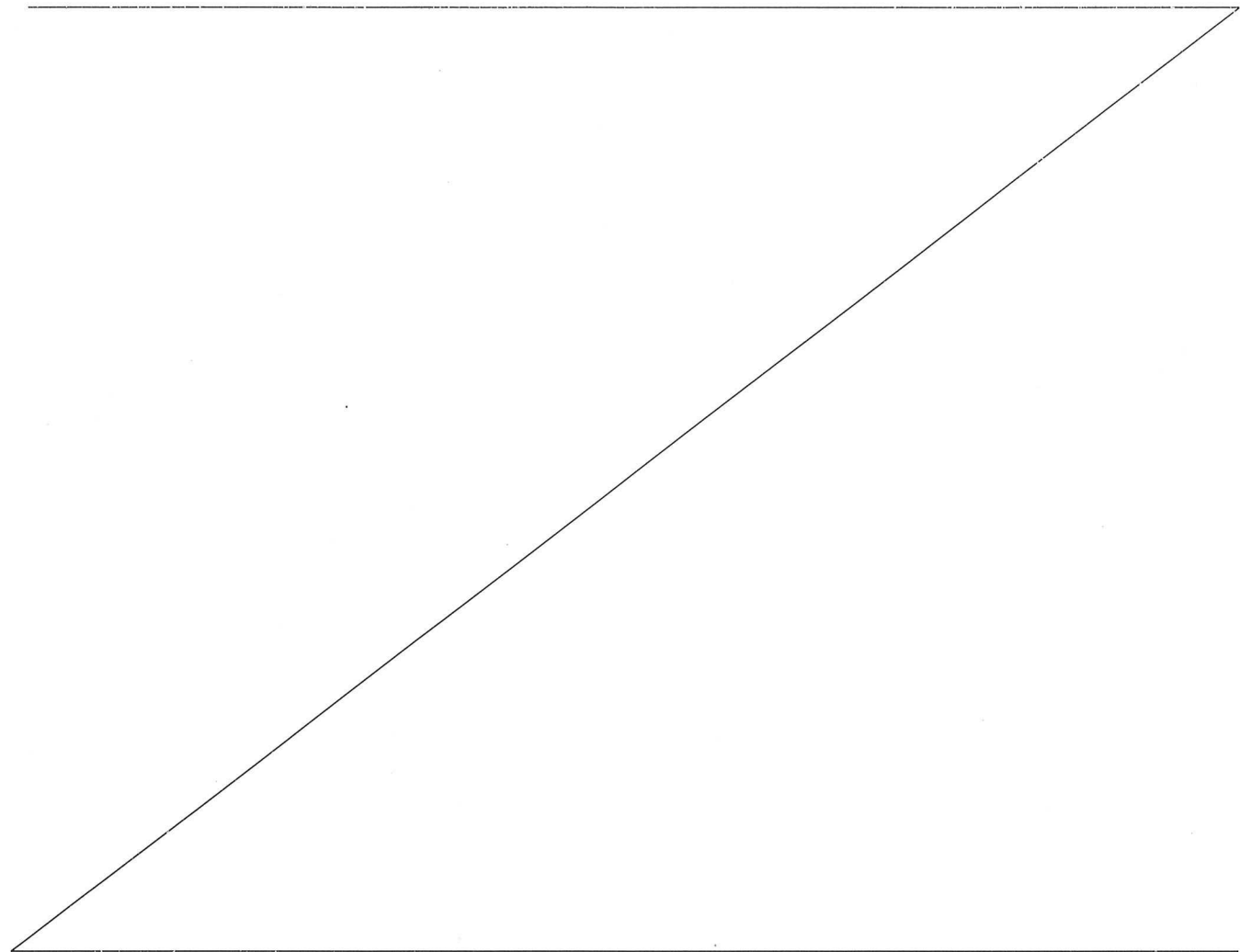
WHEREAS, the County is interested in maintaining effective human resources policies and procedures that comply with federal and state regulations that meet the service needs of the County; and

WHEREAS, the County is committed to providing employees with fair and understandable policies and rules; and

WHEREAS, employees and bargaining unit representatives have provided feedback through the meet and confer process to the updating of the Nevada County Personnel Code Appendix P-13, Appendix P-14, and by adding Section 21.16, thereby necessitating these revisions by way of Resolution; and

WHEREAS, redline versions of the three policies identify changes as provided in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the revision to the Nevada County Personnel Code, effective November 16, 2021, is approved in substantially the same form as attached hereto in Exhibit B.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 16th day of November, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

11/16/2021 cc: HR*
Dept. Heads*

EXHIBIT A

COUNTY OF NEVADA PERSONNEL CODE REVISIONS

****First policy revision: Flexible Work Schedule Policy****

Appendix P-13

SUBJECT: POLICY REGARDING FLEXIBLE WORK SCHEDULES

A. PURPOSE

The County is committed to supporting work/life balance through the use of flexible work schedule arrangements where operationally feasible. Flexible work schedules, in general, provide employees an opportunity to request a work schedule that balances work hours with the daily demands of everyday life outside of work. The County provides the option of flexible work schedules to employees as a privilege and not as a right.

B. POLICY

Flexible work schedules may be approved in accordance with this policy, at the discretion of the Department Head. Flexible work schedules may vary by department and will be based on department needs to provide coverage and adequate staffing for normal business hours.

There is no guarantee that a request for a flexible work schedule will be granted. A flexible work schedule may be revoked at the discretion of the Department Head. The granting of a flexible work schedule in no way implies that less work will be completed than that expected of an employee working a standard work schedule.

The County operates on a standard work schedule which is Monday through Friday 8:00 a.m. to 5:00

p.m. A non-standard work schedule is called a flexible work schedule.

County offices which provide public access shall remain open continuously from 8:00 a.m. to 5:00

p.m. Monday through Friday, including the lunch hour, assuming adequate staffing and other operational considerations, and except as otherwise defined by the County Executive Officer or by the Board of Supervisors. It shall be the responsibility of the Department Head to provide adequate department staffing to meet this operational objective.

Employees who are subject to "7K" or 84-hour schedules are not covered by this policy.

C. NON-EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

A non-exempt employee's workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. The normal work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period). A Department Head may make such changes to the schedule of work hours as defined below. A non-exempt employee is paid on an hourly basis and is eligible to earn overtime pay in accordance with an applicable Memorandum of Understanding and the Fair Labor Standards Act ("FLSA").

2. Flexible Work Schedule Options

A non-exempt employee must first request approval for a Flexible Work Schedule (FWS) on the Flexible Work Schedule Request and Agreement Form approved by the Human Resources Department. Approval of a Flexible Work Schedule is at the discretion of the Department Head. FWS requests may be modified by the Department Head prior to approval if necessary to address the operational or other needs of the Department. It is permissible for an employee to have both a flexible work schedule and a telework schedule concurrently. If an employee intends on requesting both a flexible work schedule and a telework schedule, both requests shall be turned in at the same time for review and potential approval by the Department Head.

A bi-weekly time report is required to certify attendance and scheduled time off and shall be signed by the employee and the employee's supervisor at the close of each pay period.

Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule. These four options are called "9/80", "4/10", "4-9-4" and, "Flex Schedule."

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. ~~DELETE: window/election periods occur two times per year only at which time an employee may revert to a 5-8 schedule, change type of flex schedule (e.g., 9-80 to 4-10), change RDO, change start/stop time. Open windows are August for effective date of first full pay period in September and February for effective date of first full pay period in March. Schedule change requests which exceed two per 12-month period DELETE: outside of the two window periods~~ may be approved only by the County Executive Officer or designee, based on the operational needs of the Department or other good cause.

"9/80" Schedule:

Employees will work eight 9-hour days and one 8-hour day every two weeks and have one regularly scheduled day off (RDO) every other week. The employee's scheduled RDO shall fall on the same day of the week as the 8-hour work day on the opposite week during the pay period.

The start of the workweek is deemed to be midway (4 hours) into the employee's 8-hour day. The workweek ends seven days later midway through the employee's next 8-hour regular day off (RDO). Whenever the beginning of an employee's workweek changes, e.g., changing to or from an FWS, a situation in which one or more hours or days falls in both the "old" workweek as previously defined and the "new" workweek occurs. Therefore, a computation of overtime due to overlapping workweeks must be done. Contact the Payroll Division of the Auditor's Office for help with overlapping workweek overtime computations.

The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation, CTO, floating holiday).

"4/10" Schedule:

Employees will work four 10-hour days per work week and have one day off. The typical schedule is Monday through Friday. The workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 10-hour day, the employee will be required to use 2 hours of qualifying leave balance (vacation, CTO, floating holiday).

"4-9-4" Schedule:

Employees will work four 9-hour days and one 4-hour day per week. The typical schedule is Monday through Friday. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next workweek and in this case, the 4-hour day will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation, CTO, floating holiday).

"Flex" Schedule:

Subject to Department Head discretion and the operational needs of the

department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. With supervisory approval, a non-exempt employee may flex start and stop times during the same workweek to accommodate absences. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight.

D. EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

Nevada County maintains a standard of excellence in the successful accomplishment of established goals. Exempt employees guide the achievement of these goals and the delivery of services to our community as they provide a high level of technical expertise and serve as managers of other County employees. They are integral to the successful operation of the County on a day-to-day basis and are responsible to ensure that work continues to get done efficiently. Employees in this group are exempt employees as defined by the Fair Labor Standards Act (FLSA).

The standard work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period).

While expected to maintain regular hours equal to 80 hours in a two-week period, exempt employees may need to extend their work schedule to accommodate job demands and complete their work. For regular, full-time employees, regular hours frequently extend beyond 80 hours in a pay period. Exempt employees are paid a salary to accomplish both self-directed and assigned projects by balancing and managing their time appropriately and responsibly. They are not paid for working hours which extend beyond the 80 hours in a pay period but are provided with an additional Administrative Leave benefit to help offset the extra hours that they may need to work.

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. ~~Following the initial roll-out of Flexible Work Schedules under this policy, open window/election periods occur two times per year only at which time an employee may revert to a 5-8 schedule, change type of flex schedule (e.g., 9-80 to 4-10), change RDO, change start/stop time. Open windows are August for effective date of first full pay period in September and February for effective date of first full pay period in March. Schedule changes outside of the two per 12-month period~~ ~~DELETE: outside of the two window periods~~ window periods may be approved only by the County Executive Officer or designee, based

on the operational needs of the Department or other good cause.

An exempt employee must first request approval for an FWS on the Flexible Work Schedule and/or Telework Request Form ~~FWS Request and Agreement Form~~. Approval is at the discretion of the Department Head.

2. Use of Leave

Exempt employees record hours on a timesheet only for purposes of complying with timekeeping system requirements and to support time studies for billback purposes. Exempt employees take leave (PLP, vacation, admin leave, floating holiday) in increments of four or more hours.

3. Flexible Work Schedule Options

A department head may implement a flexible work schedule for exempt employees so long as adequate staffing is provided. When exempt employees are approved to work an FWS, they are responsible for successful performance of their position requirements and understand that they are required to work the number of hours necessary to successfully complete their assignment.

Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule that are available for consideration by an exempt employee and his/her Department Head. These four options are called "9/80", "4/10", "4-9-4" and, "Flex Schedule."

"9/80" Schedule

Employees will work four 9-hours days in one week (Sunday through Saturday), having one day off, and four 9-hour days and one 8-hour day in the other week (Sunday through Saturday) of the pay period. The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek, otherwise the holiday will be moved to the previous workday.

"4/10" Schedule

Employees will work four 10-hour days per work week (Sunday through Saturday) and have one day off per work week. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek and in this case, the holiday will be moved to the previous workday.

"4-9-4" Schedule

Employees will work four 9-hour days and one 4-hour day per work week (Sunday through Saturday). Employees on this schedule will not be required to use a leave balance for the 4 hours on their "short" day. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next workweek and in this case, the 4-hour day will be moved to the previous workday.

Exempt, regular full-time employees are required to charge a leave account for absences in increments of four or more hours unless the employee is working an approved 4-9-4 schedule and the day in question is the regularly scheduled 4-hour day.

"Flex" Schedule:

Subject to Department Head discretion and the operational needs of the department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. Exempt employees may flex their schedules with supervisory input/approval within the same workweek.

4. General Considerations

Nevada County employees can be required to record partial day absences of 4 hours or more due to illness or for personal reasons, without altering their FLSA exempt status.

Exceptions to these time reporting policies may occur when an employee records partial days for a short term disability, absences covered by the Family Medical Leave Act (FMLA), or other appropriate exceptions.

If an employee's leave balances are insufficient to cover the period of absence or use of leave balances has been denied, then the employee shall take unpaid time off where the employee would otherwise be required to use a leave balance pursuant to this policy.

Nothing herein shall affect the ability of a Department Head to discipline an employee for unauthorized absences.

Part-time exempt employees will deduct the full number of hours from their paid time off accruals for all absences.

****Second policy revision: Telework Policy

APPENDIX P-14

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SUBJECT: COUNTY OF NEVADA TELEWORK POLICY

Purpose and Definitions

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Telework is defined as an arrangement allowing an employee to work from a remote site other than their primary work location, such as home. The Nevada County Teleworking program is designed to provide work/life balance, reduce greenhouse emissions, and allow for greater flexibility in serving customers both internal and external. It also provides a continuity of services for the Nevada County citizens as outlined in the County's Continuity of Operations Plan (COOP). The County Executive Officer ("CEO") or their designee can authorize telework for episodic use during a utility disruption, communicable disease outbreak, other health risk, or other approved situations.

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Telework in Nevada County is at the sole discretion of the CEO or their designee and is not an employee right. Teleworking agreements may not reduce customer service to internal and external customers nor reduce standard hours of operation. The employee must self-disclose proof of a safe work area at home or other location via completed telework agreement. Employees agree to cooperate with the County to verify compliance with the required minimum workplace standards while teleworking. —This may include physical inspection, photographs, or live video feed, which shall be mutually agreed upon. Telework is not to be completed until written approval authorization and approval via of the CEO or their designee.

"Telework" is defined as a work arrangement authorizing an employee to work from an alternative worksite other than their normal work location, such as home, for all or a portion of their regularly scheduled work hours.

"Alternative Worksite" means the employee's home, place of residence or from another location approved by the County other than the employee's normal workplace at the County's worksite or facility.

"Work Schedule" means the days and hours determined by the supervisors or managers during which non-exempt, overtime eligible employees should be in attendance at the Alternative Worksite. The Work Schedule shall provide for and include the rest and meal breaks required under applicable federal and state law, as well as under contract.

Eligibility Criteria

The CEO or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy. The CEO or their designee, may make such determination using criteria including, but not limited to, the following:

1. The operational needs of the County and employee's department and division;
2. The disruption of or potential for disruption to the County's functions;
3. The ability of the employee to perform their job duties (both essential and marginal) from an Alternate Worksite without diminishing the quantity or quality of the work performed;
4. The degree to which the employee's job functions require face-to-face interaction with other County employees, contractors and members of the public;
5. The employee's job performance, as determined by their last performance review;
6. The employee's length of service with the County, department or division;
7. The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions;
8. The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternate Worksite for the employee at a reasonable cost;
9. The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at a County worksite;
10. The County's capacity to monitor and measure the employee's work performance at the Alternate Worksite;
11. The employee's supervisory responsibilities;
12. The employee's need for supervision; and
13. Other considerations deemed necessary and appropriate by the County, including tax and other legal implications of teleworking.

4. Employees may be permitted to telework episodically when authorized by CEO or their designee. The employee must sign an agreement that details their telework location and adherence to the guidelines set forth in the policy in advance of any episodes of telework. The following are examples of circumstances that may support episodic teleworking:

1. To complete special project work that requires a period of uninterrupted work time.
2. During self or family member convalescence from injury or illness: if for self, must be cleared by physician to do so.

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3. To provide convenience and maximize work time on days in which off-site meetings or personal appointment make travel to the regular work site impractical,
4. While all reasonable commute routes are blocked,
5. While the primary worksite is inaccessible,
6. As a reasonable accommodation during pregnancy with physician approval,
—During PSPS events and snow days,
7. Other approved conditions by the CEO or their /designee,

Telework may only occur via the following methods if:

1. CEO or designee authorizes an employee to telework; or
2. Approval of a Telework Schedule is at the discretion of the CEO or designee.
3. Upon approval by the CEO or /designee, authorizes, an employee may to work a telework and flexible –work schedule.
2.

Telework Enrollment Periods:

1. Requests to telework may be submitted by an employee twice in a 12-month period which begins with the date of the first election.
 - a. Requests regarding flexible work schedules are made must be made at the same time, if an employee requests a flexible work schedule.
 - b. Supervisor shall track the number of requests by an employee.
 - c. CEO/County Executive Officer or their designee may consider additional telework and/or /flexible work schedule change requests based on the operational needs of the Department or other good cause.
2. An employee may be requested to telework due to departmental or County need, such as emergencies, power outages, natural disasters, or building closure.
2.

Process for Employee to Request to Telework; Final Determination; No Right to Appeal:

To make a request for a teleworking arrangement, employees must complete a Flexible Work Schedule and/or Telework Request Form and file the complete request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Head or their designee, and will discuss the employee's request with the Department Head, or their designee.

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In consultation with or based on information provided by the employee's supervisor or manager, the Department Head, or their designee, will make a recommendation for a determination regarding the employee's request to telework to the CEO or their designee.

The CEO or their designee will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework.

The decision of the CEO or their designee regarding an employee's Teleworking request is final and binding. Neither the employee nor the employee's employee organization possesses any right to appeal or grieve the decision.

When authorized an eligible and qualified employee who has requested and been granted the opportunity to telework, the employee agrees to work the approved alternate schedule (if applicable) and at the alternate location and follow all applicable work-related policies and procedures. The request form shall provide the mutual understanding of the employee, the employee's supervisor or manager, and the CEO or their designee concerning the teleworking arrangement.

Conditions General Duties, Obligations, Responsibilities:

1. When authorized, the employee must sign an agreement that they agree to work the approved alternate schedule (if applicable) and at the alternate location and follow all applicable work-related policies and procedures. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all County and departmental rules and regulations, policies and procedures.
2. All of the Teleworking employees' existing supervisory relations, lines of authority and supervisory practices remain in effect.
3. Teleworking employees must have an Alternative Worksite that is adequate for performance of official duties (see checklist), including an Alternate Worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
4. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
5. Teleworking employees must ensure dependent care will not interfere with work responsibilities.

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6. Teleworking employees must not bring clients, customers, vendors or other persons into their home to conduct County business.

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7. Teleworking employees must safeguard any County equipment and to use the equipment only for official County business.

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8. Teleworking employees shall ensure that all official County documents are retained and maintained according to the normal operating procedures in the same manner as if working at a County worksite. Employees agree to safeguard the County records from disclosure or access by unauthorized individuals and will comply with all confidentiality and privacy laws, rules, regulations, and policies applicable to their position and the handling, security and storage of the records and information related thereto.

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9. Employees, upon approval of a request for Telework, agree that the County will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work location.

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10. Employees agree that teleworking authorized pursuant to this Policy does not entitle them to telework at will. Employees will return to their normal assignment location upon completion of the approved telework assignment.

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~~1. When determining an employee's telework eligibility, Departments may consider, among other things, an employee's performance, attendance history, and probationary or temporary status.~~

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~~4. Employees may be permitted to telework episodically when authorized by CEO/designee. The employee must sign an agreement that details their telework location and adherence to the guidelines set forth in the policy in advance of any episodes of telework. The following are examples of circumstances that may support episodic teleworking:~~

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~~1. To complete special project work that requires a period of uninterrupted work time.~~

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~~2. During self or family member convalescence from injury or illness; if for self, must be cleared by physician to do so.~~

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~~3. To provide convenience and maximize work time on days in which off-site meetings or personal appointment make travel to the regular work site impractical.~~

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~~4. While all reasonable commute routes are blocked.~~

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~~5. While the primary worksite is inaccessible.~~

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~~6. As a reasonable accommodation during pregnancy with physician approval.~~

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~~7. During PSPS events and snow days.~~

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~~8. Other approved conditions by the CEO/designee.~~

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~~5. Employees recognize that by working at an alternate location, this does not change the employee's classification or rate of pay. Employees also agree that they will only log hours in which they conduct County business and their normal work hours are not typically altered by this agreement.~~

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~~6. Employees recognize that they must have approval to work overtime if applicable.~~

~~7. Employees agree to safeguard any County equipment and to use the equipment only for official County business.~~

~~8.11 Employees, upon approval of a request for Telework, agree that the County will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work location.~~

~~9. Employees, upon the approval to Telework, agree to provide a work area adequate for performance of official duties (see checklist).~~

~~10. Employees agree to safeguard the County records from disclosure or access by unauthorized individuals and will comply with all confidentiality and privacy laws, rules, regulations, and policies applicable to their position and the handling, security and storage of the records and information related thereto.~~

~~11. Employees agree they shall not bring clients, customers, vendors or other persons into their home to conduct County business.~~

~~12. Employees agree that teleworking authorized pursuant to this Policy does not entitle them to telework at will. Employees will return to their normal assignment location upon completion of the approved telework assignment.~~

~~13.12. Nothing in this policy precludes the County from taking any appropriate disciplinary action or adverse action against an employee who fails to comply with Personnel Code Section 18 or their applicable MOU.~~

~~14. Eligibility for telework lies solely at the discretion of the CEO or designee.~~

~~15. When an employee is directed to telework for the majority of a pay period (more than half), for example, during an emergency or natural disaster, the employee will receive a stipend of \$25 per pay period for use of personal items and utilities, that will begin the pay period such telework and starts and will end the pay period such telework ends (i.e., the employee is directed to return to the worksite for the majority of a pay period). will end the pay period following the pay period telework stops. When an employee enters into a voluntary (optional) telework schedule, the employee is not eligible for a stipend.~~

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~~16. An employee must be available and accessible by phone and email during their agreed upon telework schedule.~~

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~~17. Employees must adhere to all County and departmental rules and policies.~~

~~18. Prior to and continuously throughout a telework assignment, an employee must maintain a safe and ergonomically sound workspace environment.~~

19. ~~The work environment shall be conducive to working in an office setting, with personal disruptions kept to a minimum.~~
20. ~~In the event of a telework workplace injury, employee agrees to allow the County's Risk Manager or designee, to access the employee's telework workspace upon request for purposes of investigating the injury only.~~

Space and Equipment, Information, Security and Confidentiality

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1. Teleworking employees will either receive approval to use personal computer equipment or will be provided with County issued equipment at the discretion of the CEO.
2. If the County provided any County issued equipment, teleworking employees agree to follow the County's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to County-owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
3. Where, in response to a request to Telework, the County allows an employee to Telework, the County shall not be responsible for Teleworking costs, including, but not limited to, the employee's use of their home or place of residence, their personal computer, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the Agreement. When an employee is directed to telework for the majority of a pay period (more than half), for example, during an emergency or natural disaster, the employee will receive a stipend of \$25 per pay period for use of personal items and utilities, that will begin the pay period such telework starts and will end the pay period such telework ends (i.e., the employee is directed to return to the worksite for the majority of a pay period).
4. Employees must take reasonable precautions to ensure their devices (g., computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the County's network and must close or secure all connections to County desktop or system resources (e.g., remote desktop, VPN connections, etc.) when not conducting work for the County. Employees must maintain adequate firewall and security protection on all such devices used to conduct County work from the Alternate Worksite.
5. Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the County's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to County work they access from the Alternate Worksite or transport from

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their County worksite to the Alternate Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their County worksite to the Alternate Worksite. Teleworking employees must return all records, documents, and correspondence to the County at the termination of the Agreement or upon request by their supervisor or manager, Department Head or Human Resources.

6. Continuously throughout a telework assignment, Telework employees must maintain a safe and ergonomically sound workspace environment.

Work Schedule, Overtime, Leave and Benefits

1. For non-exempt employees, the County will either provide such employee: (1) a work schedule that will be included in the Agreement and, which will include meal and rest breaks ("Work Schedule"); or (2) authorization to work on an intermittent basis.
2. For non-exempt employees assigned a Work Schedule, any deviation from the Work Schedule must be approved in advance, in writing, by the employee's supervisor or manager and the Department Head.
3. Non-exempt telework employees working at an Alternate Worksite must not Telework outside their normal work hours without prior written authorization from their supervisor or manager and the Department Head. A non-exempt employee who fails to secure written authorization before Teleworking outside their normal work hours may face discipline in accordance with the County's policy for working unauthorized overtime.
4. Telework employees acknowledge that Telework does not change the employee's classification or rate of pay, salary, or benefits.
5. Telework employee must be available and accessible by phone and email during their agreed upon telework Work Schedule.
6. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, must take meal and rest breaks while Teleworking as required under applicable law and/or under applicable contract or County policy.
7. For non-exempt employees assigned a Work Schedule, all periods of Teleworking employees' unavailability must be approved in advance by their supervisor or

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manager and the Department Head in accordance with County policy and documented on the appropriate leave request form. For non-exempt employees authorized to work intermittently, any intermittent schedule must be approved in advance by their supervisor or manager.

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8. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to report in a timely manner all hours worked at the Alternate Worksite and make that record available to their supervisor upon request. Employees shall record all non-productive work time on their timesheet.

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9. Employees shall continue to abide by County policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.

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10. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to request to work overtime in advance of doing so and such requests must be pre-approved in writing by the employee's supervisor or manager.

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4.11. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The County shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third-persons when said injuries occur at the Alternate Worksite. In the event of a telework workplace injury, employee agrees to allow the County's Risk Manager or designee, to access the employee's telework workspace upon request for purposes of investigating the injury only.

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COUNTY OF NEVADA

~~VOLUNTARY EMPLOYEE TELEWORK AGREEMENT~~
~~(both the Agreement and the Enrollment Form are required.)~~



~~1. The CEO or Designee has authorized _____ (employee name), to engage in a telework agreement.~~

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~~1.~~

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~~2. This telework arrangement between _____ (employee name), and the County shall be effective _____ (start date) through _____ (end date) unless earlier terminated by the employee or the County. Teleworking is only authorized for the time period specified in the agreement and that the Teleworking Agreement is void and shall not apply after the time expressly provided for in the Agreement.~~

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~~2.~~

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~~The Department Head has affirmatively determined the employee meets the eligibility criteria to participate in a telework program.~~

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~~3.~~

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~~4. The employee has been notified of their allowable telework schedule. Telework days will not be substituted without advance approval of the supervisor/manager. An employee must forgo teleworking whenever notified he/she is needed in the office on a regularly scheduled telework day. The supervisor/manager should provide reasonable notice whenever possible. However, the employee may be required to report to the office without advance notice, as needed. Use of sick leave on a scheduled telework day must be reported to the supervisor/manager prior to the employee's scheduled hours, or as soon as possible after it is determined sick leave is needed. Use of vacation, floating holiday and other leaves must be approved in writing, in advance, by the supervisor/manager.~~

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~~4.~~

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~~3. Full-time telework is extremely rare and may only be permissible episodically, or when necessary and justified, depending on the needs of the job and demonstration of a clear benefit to program objectives and operations.~~

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~~6. The employee will perform the following work at the telecommuting site (add pages as necessary):~~

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5. ~~The employee's work schedule and hours, including applicable meal and rest breaks, and whether the work day is continuous or whether work may be performed intermittently.~~

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6. ~~Teleworking employees are prohibited from performing any off-the-clock work, and employees who perform off-the-clock work may be subject to discipline, up to and including, termination of employment. Teleworking employees are prohibited from performing any overtime, unless they request and receive prior approval for such work by their manager or supervisor, and employees who perform overtime work without prior approval may be subject to discipline, up to and including, termination of employment.~~

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7. ~~The employee is subject to the same job duties, responsibilities and expectations as if the employee was working from a County worksite or facility.~~

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8. ~~7. Reports on telecommuting work assignments shall be provided to the employee's supervisor in the following manner and frequency:~~

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9. ~~8. County Equipment: in addition to expendable office supplies provided by the County, the following County equipment and/or services shall be provided to the employee for use in telework:~~

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Equipment	Brand Name	Serial Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

Employee agrees to use reasonable care while operating County equipment, to protect the equipment; and to return equipment to the supervisor/manager if employee discontinues telework. County equipment may only be used for County purposes, and shall not be used by, or accessible to, any other individuals. Negligent or willful damage or failure to return County property may lead to disciplinary action and recovery for the value of the equipment.

10. ~~9. Expenses and reimbursements: The County is not required to pay for any additional equipment to allow someone the ability to work. If the County purchases equipment for in-home telework, that equipment or material is the sole property of the County.~~

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~~11.10. Employee agrees to report any occupational injury or illness to their supervisor/manager immediately and complete all necessary and/or County requested documents regarding the injury.~~

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~~12.11. Employee will be available by phone and e-mail during County office hours. Employee will check voicemail and e-mail messages often while teleworking and will return to the worksite in the event teleworking becomes impracticable or if the employee is informed, they need to return to the physical worksite.~~

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~~13.12. Employee will comply with the County Personnel Code and all other County policies, including but not limited to the Technology Use Policy. Employee shall have no expectation of privacy when using County systems or technology.~~

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~~14.13. Employee will adhere to the security and confidentiality policies of the Department and the County, and protect County assets, information and information systems at the remote work location.~~

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~~15.14. The employee's standard, designated telework location should not be routinely more than 2 hours away in distance from their assigned home base office location. Exceptions to this requirement require CEO or their designee approval. Episodic teleworking from distances of greater than two hours away, such as when the employee is caring for an ill family member out of the area, may be permitted by CEO or designee.~~

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~~16.15. Employee will telework from the following designated workplace:
_____ (describe)~~

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~~17.16. Employee certifies by initial the following regarding their Alternative Worksites:~~

Commented [1]: We recommend this is reviewed and amended if needed by your risk manager and/or workers compensation provider.

- ~~_____ Internet connection is sufficient to perform all work duties~~
- ~~_____ Uninterrupted. Recommendation is 10Mbps consistent speed with less than 150ms latency for a reliable connection. See IGS Telework Guide for more information.~~
- ~~_____ Workplace Alternative Worksites is away from noise, distractions, and is devoted to your work needs~~
- ~~_____ Alternative Worksites Workspace accommodates workstation, equipment, and related material~~
- ~~_____ Floors are clear and free from hazards;~~
- ~~_____ File drawers are not top-heavy and do not open into walkways~~
- ~~_____ Phone lines and electrical cords are secure under a desk or along wall, and away from heat sources~~
- ~~_____ Temperature, ventilation, and lighting are adequate~~
- ~~_____ All stairs with four or more steps are equipped with handrails~~
- ~~_____ Carpets are well secured to the floor and free of frayed or worn seams~~
- ~~_____ There is a working smoke detector in the workspace area~~
- ~~_____ A home multi-use fire extinguisher, which you know how to use, is readily available~~
- ~~_____ Walkway aisles, and doorways are unobstructed~~

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- ~~Workspace is kept free of trash, clutter, and flammable liquids~~
- ~~All radiators and portable heaters are located away from flammable items~~
- ~~You have an evacuation plan, so you know what to do in the event of a fire~~
- ~~Sufficient electrical outlets are accessible~~
- ~~Computer equipment is connected to a surge protector~~
- ~~Electrical system is adequate for office equipment~~
- ~~All electrical plugs, cords, outlets, and panels are in good condition; no exposed/damage wiring~~
- ~~Equipment is placed close to electrical outlets~~
- ~~Extension cords and power strips are not daisy chained and no permanent extension cord is in use~~
- ~~Equipment is turned off when not in use~~
- ~~Chair caster(wheels) are secure, and the rungs and legs of the chair are sturdy~~
- ~~Chair is adjustable~~
- ~~Your back is adequately supported by a backrest~~
- ~~Your feet are on the floor or adequately supported by a footrest~~
- ~~You have enough leg room at your desk~~
- ~~There is sufficient light for reading~~
- ~~The computer screen is free from noticeable glare~~
- ~~The top of the screen is at eye level~~
- ~~There is space to rest the arms while not keying~~
- ~~All necessary equipment to perform required tasks are able to be procured~~

~~*Any waiver of the above requirements must be authorized by the Risk Manager in writing.*~~

~~*All new employees are expected to report to their physical location on the first day of work to allow for initial system log in and access to be established.~~

~~*A home assessment is available to employees upon request~~

~~18. This Agreement does not constitute an employment contract.~~

~~19. The County possesses discretionary authority to terminate the Agreement before the time specified in the Agreement, and the County's determination to terminate the Agreement before the time specified in the Agreement is final and not be subject to appeal.~~

~~20. Any breach of the teleworking Agreement by the employee may result in termination of the Agreement and/or disciplinary action, up to and including termination of employment.~~

CERTIFICATION

~~I have read, reviewed and understand the County's Telework Policy. I understand that telework is an arrangement between me and the County and is not an entitlement or employee benefit. I understand this agreement may be terminated for any reason, at any time, by any party, with or~~

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without cause. I certify that I have read this Telework Policy and this Telework Agreement, that I understand their contents, and that I will abide by the terms.

Employee Signature _____ Date

CEO or Designee Signature _____ Date

New policy: Declared Emergency Leave

21.16 DECLARED EMERGENCY LEAVE

The purpose of this policy is to provide a method to support employees who have suffered the permanent loss of their primary residence during a declared emergency.

During a declared emergency the CEO is authorized to grant Declared Emergency Leave (“DEL”) to any County employee who has experienced the loss of use of their primary residence due to the associated declared emergency (example: wildfire, flood, earthquake, etc). The CEO, at their sole discretion, can grant up to 36 hours per declared emergency to each qualified employee.

Employees will apply for Declared Emergency Leave through the CEO’s Office by submitting a Request for DEL form, located on the Infonet. If granted, the authorized DEL form shall be sent to the Auditor Controller and added to either the vacation or Personal Leave Program leave balance the next pay period. Once processed, the employee may use the time at their discretion. The employee is not required to exhaust other leave banks prior to utilizing DEL. No employee shall be granted more than 36 hours per declared emergency. ___

EXHIBIT B
County of Nevada Personnel Code

Appendix P-13

SUBJECT: POLICY REGARDING FLEXIBLE WORK SCHEDULES

A. PURPOSE

The County is committed to supporting work/life balance through the use of flexible work schedule arrangements where operationally feasible. Flexible work schedules, in general, provide employees an opportunity to request a work schedule that balances work hours with the daily demands of everyday life outside of work. The County provides the option of flexible work schedules to employees as a privilege and not as a right.

B. POLICY

Flexible work schedules may be approved in accordance with this policy, at the discretion of the Department Head. Flexible work schedules may vary by department and will be based on department needs to provide coverage and adequate staffing for normal business hours. There is no guarantee that a request for a flexible work schedule will be granted. A flexible work schedule may be revoked at the discretion of the Department Head. The granting of a flexible work schedule in no way implies that less work will be completed than that expected of an employee working a standard work schedule.

The County operates on a standard work schedule which is Monday through Friday 8:00 a.m. to 5:00 p.m. A non-standard work schedule is called a flexible work schedule.

County offices which provide public access shall remain open continuously from 8:00 a.m. to 5:00 p.m. Monday through Friday, including the lunch hour, assuming adequate staffing and other operational considerations, and except as otherwise defined by the County Executive Officer or by the Board of Supervisors. It shall be the responsibility of the Department Head to provide adequate department staffing to meet this operational objective.

Employees who are subject to "7K" or 84-hour schedules are not covered by this policy.

C. NON-EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

A non-exempt employee's workweek is a fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods. The normal work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period). A Department Head may make such changes to the schedule of work hours as defined below. A non-exempt employee is paid on an hourly basis and is eligible to earn overtime pay in accordance with an applicable Memorandum of Understanding and the Fair Labor Standards Act ("FLSA").

2. Flexible Work Schedule Options

A non-exempt employee must first request approval for a Flexible Work Schedule (FWS) on the Flexible Work Schedule Request and Agreement Form approved by the Human Resources Department. Approval of a Flexible Work Schedule is at the discretion of the Department Head. FWS requests may be modified by the Department Head prior to approval if necessary to address the operational or other needs of the Department. It is permissible for an employee to have both a flexible work schedule and a telework schedule concurrently. If an employee intends on requesting both a flexible work schedule and a telework schedule, both requests shall be turned in at the same time for review and potential approval by the Department Head.

A bi-weekly time report is required to certify attendance and scheduled time off and shall be signed by the employee and the employee's supervisor at the close of each pay period. Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule. These four options are called "9/80", "4/10", "4-9-4" and, "Flex Schedule."

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. Schedule change requests which exceed two per 12-month period may be approved only by the County Executive Officer or designee, based on the operational needs of the Department or other good cause.

"9/80" Schedule:

Employees will work eight 9-hour days and one 8-hour day every two weeks and have one regularly scheduled day off (RDO) every other week. The employee's scheduled RDO shall fall on the same day of the week as the 8-hour workday on the opposite week during the pay period.

The start of the workweek is deemed to be midway (4 hours) into the employee's 8-hour day. The workweek ends seven days later midway through the employee's next 8-hour regular day off (RDO). Whenever the beginning of an employee's workweek changes, e.g., changing to or from an FWS, a situation in which one or more hours or days falls in both the "old" workweek as previously defined and the "new" workweek occurs. Therefore, a computation of overtime due to overlapping workweeks must be done. Contact the Payroll Division of the Auditor's Office for help with overlapping workweek overtime computations.

The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation, CTO, floating holiday).

"4/10" Schedule:

Employees will work four 10-hour days per work week and have one day off. The typical schedule is Monday through Friday. The workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek. If moving the holiday to the next working day causes the holiday to be observed in the next workweek, then the holiday will be moved to the previous workday. If a holiday lands on a 10-hour day, the employee will be required to use 2 hours of qualifying leave balance (vacation, CTO, floating holiday).

"4-9-4" Schedule:

Employees will work four 9-hour days and one 4-hour day per week. The typical schedule is Monday through Friday. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next workweek and in this case, the 4-hour day will be moved to the previous workday. If a holiday lands on a 9-hour day, the employee will be required to use 1 hour of qualifying leave balance (vacation, CTO, floating holiday).

"Flex" Schedule:

Subject to Department Head discretion and the operational needs of the department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. With supervisory approval, a non-exempt employee may flex start and stop times during the same workweek to accommodate absences. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight.

D. EXEMPT EMPLOYEE WORK SCHEDULES

1. Introduction

Nevada County maintains a standard of excellence in the successful accomplishment of established goals. Exempt employees guide the achievement of these goals and the delivery of services to our community as they provide a high level of technical expertise and serve as managers of other County employees. They are integral to the successful operation of the County on a day-to-day basis and are responsible to ensure that work continues to get done efficiently. Employees in this group are exempt employees as defined by the Fair Labor Standards Act (FLSA).

The standard work schedule for full-time, regular employees shall consist of five (5) eight (8) hour days from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., subject to applicable breaks, Monday through Friday except specified holidays. The workweek shall commence on Saturday at midnight and end on the following Saturday at midnight (to coincide with the established two-week pay period).

While expected to maintain regular hours equal to 80 hours in a two-week period, exempt employees may need to extend their work schedule to accommodate job demands and complete their work. For regular, full-time employees, regular hours frequently extend beyond 80 hours in a pay period. Exempt employees are paid a salary to accomplish both self-directed and assigned projects by balancing and managing their time appropriately and responsibly. They are not paid for working hours which extend beyond the 80 hours in a pay period but are provided with an additional Administrative Leave benefit to help offset the extra hours that they may need to work.

An employee may request to add/modify/delete a Flexible Work Schedule/Telework Schedule twice in a 12-month period which begins with the date of the first election. Schedule changes outside of the two per 12-month period may be approved only by the County Executive Officer or designee, based on the operational needs of the Department or other good cause.

An exempt employee must first request approval for an FWS on the Flexible Work Schedule and/or Telework Request Form. Approval is at the discretion of the Department Head.

2. Use of Leave

Exempt employees record hours on a timesheet only for purposes of complying with timekeeping system requirements and to support time studies for billback purposes. Exempt employees take leave (PLP, vacation, admin leave, floating holiday) in increments of four or more hours.

3. Flexible Work Schedule Options

A department head may implement a flexible work schedule for exempt employees so long as adequate staffing is provided. When exempt employees are approved to work an FWS, they are responsible for successful performance of their position requirements and understand that they are required to work the number of hours necessary to successfully complete their assignment.

Although scheduling options may vary from department to department depending upon the specific operational requirements, there are four available alternative work schedules that differ from the standard Monday through Friday, 8:00 am to 5:00 pm work schedule that are available for consideration by an exempt employee and his/her Department Head. These four options are called "9/80", "4/10", "4-9-4" and, "Flex Schedule."

"9/80" Schedule

Employees will work four 9-hour days in one week (Sunday through Saturday), having one day off, and four 9-hour days and one 8-hour day in the other week (Sunday through Saturday) of the pay period. The work schedule or regular day off (RDO) of an employee may not be changed to accommodate a holiday. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek, otherwise the holiday will be moved to the previous workday.

Exempt employees shall be expected to work their standard schedule.

"4/10" Schedule

Employees will work four 10-hour days per work week (Sunday through Saturday) and have one day off per work week. If a holiday lands on the RDO, the holiday will be moved to the next working day unless that moves the holiday into the next workweek and in this case, the holiday will be moved to the previous workday.

"4-9-4" Schedule

Employees will work four 9-hour days and one 4-hour day per work week (Sunday through Saturday). Employees on this schedule will not be required to use a leave balance for the 4 hours on their "short" day. If a holiday lands on the 4-hour day, the employee's 4-hour day will be moved to the next working day unless that moves the 4-hour day into the next

workweek and in this case, the 4-hour day will be moved to the previous workday.

Exempt, regular full-time employees are required to charge a leave account for absences in increments of four or more hours unless the employee is working an approved 4-9-4 schedule and the day in question is the regularly scheduled 4-hour day.

“Flex” Schedule:

Subject to Department Head discretion and the operational needs of the department, employees may be assigned to work a shift that may begin as early as 7:00 a.m. and end as late as 6:00 p.m., which includes either a half-hour or an hour off for lunch. Employees on a flex schedule typically work Monday through Friday, 8 hours per day. Workweek is defined as Saturday at midnight and ending on the following Saturday at midnight. Exempt employees may flex their schedules with supervisory input/approval within the same workweek.

4. General Considerations

Nevada County employees can be required to record partial day absences of 4 hours or more due to illness or for personal reasons, without altering their FLSA exempt status.

Exceptions to these time reporting policies may occur when an employee records partial days for a short-term disability, absences covered by the Family Medical Leave Act (FMLA), or other appropriate exceptions.

If an employee's leave balances are insufficient to cover the period of absence or use of leave balances has been denied, then the employee shall take unpaid time off where the employee would otherwise be required to use a leave balance pursuant to this policy. Nothing herein shall affect the ability of a Department Head to discipline an employee for unauthorized absences.

Part-time exempt employees will deduct the full number of hours from their paid time off accruals for all absences.

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SUBJECT: COUNTY OF NEVADA TELEWORK POLICY

Purpose and Definitions

The Nevada County Teleworking program is designed to provide work/life balance, reduce greenhouse emissions, and allow for greater flexibility in serving customers both internal and external. It also provides a continuity of services for the Nevada County citizens as outlined in the County's Continuity of Operations Plan (COOP). The County Executive Officer ("CEO") or their designee can authorize telework for episodic use during a utility disruption, communicable disease outbreak, other health risk, or other approved situations.

Telework in Nevada County is at the sole discretion of the CEO or their designee and is not an employee right. Teleworking agreements may not reduce customer service to internal and external customers nor reduce standard hours of operation. The employee must self-disclose proof of a safe work area at home or other location via completed telework agreement. Employees agree to cooperate with the County to verify compliance with the required minimum workplace standards while teleworking. This may include physical inspection, photographs, or live video feed, which shall be mutually agreed upon. Telework is not to be completed until written authorization and approval of the CEO or their designee.

"Telework" is defined as a work arrangement authorizing an employee to work from an alternative worksite other than their normal work location, such as home, for all or a portion of their regularly scheduled work hours.

"Alternative Worksite" means the employee's home, place of residence or from another location approved by the County other than the employee's normal workplace at the County's worksite or facility.

"Work Schedule" means the days and hours determined by the supervisors or managers during which non-exempt, overtime eligible employees should be in attendance at the Alternative Worksite. The Work Schedule shall provide for and include the rest and meal breaks required under applicable federal and state law, as well as under contract.

Eligibility Criteria

The CEO or their designee, possesses the discretionary authority to determine the job classifications, positions, and employees who are eligible to telework under this policy. The CEO or their designee, may make such determination using criteria including, but not limited to, the following:

1. The operational needs of the County and employee's department and division;
2. The disruption of or potential for disruption to the County's functions;
3. The ability of the employee to perform their job duties (both essential and marginal) from an Alternative Worksite without diminishing the quantity or quality of the work performed;
4. The degree to which the employee's job functions require face-to-face interaction with other County employees, contractors and members of the public;
5. The employee's job performance, as determined by their last performance review;
6. The employee's length of service with the County, department or division;
7. The portability of the employee's work, including the employee's ability to remotely access tools, equipment, and materials necessary to perform their job functions;
8. The availability of or ability to create a functional, reliable, healthy, safe, and secure Alternate Worksite for the employee at a reasonable cost;

9. The risk factors associated with performing the employee's job duties from a location other than the employee's normal workplace at a County worksite;
10. The County's capacity to monitor and measure the employee's work performance at the Alternate Worksite;
11. The employee's supervisory responsibilities;
12. The employee's need for supervision; and
13. Other considerations deemed necessary and appropriate by the County, including tax and other legal implications of teleworking.

Employees may be permitted to telework episodically when authorized by CEO or their designee. The employee must sign an agreement that details their telework location and adherence to the guidelines set forth in the policy in advance of any episodes of telework.

The following are examples of circumstances that may support episodic teleworking:

1. To complete special project work that requires a period of uninterrupted work time.
2. During self or family member convalescence from injury or illness: if for self, must be cleared by physician to do so.
3. To provide convenience and maximize work time on days in which off-site meetings or personal appointment make travel to the regular work site impractical.
4. While all reasonable commute routes are blocked.
5. While the primary worksite is inaccessible.
6. As a reasonable accommodation during pregnancy with physician approval.
7. During PSPS (public safety power shutoff) events and snow days.
8. Other approved conditions by the CEO or their designee.

Telework may only occur if:

1. CEO or designee authorizes an employee to telework; or
2. CEO or designee authorizes an employee to work a telework and flexible work schedule.

Telework Enrollment Periods:

1. Requests to telework may be submitted by an employee twice in a 12-month period which begins with the date of the first election.
 - a. Requests regarding flexible work schedules must be made at the same time, if an employee requests a flexible work schedule.
 - b. Supervisor shall track the number of requests by an employee.
 - c. CEO or their designee may consider additional telework and/or flexible work schedule change requests based on the operational needs of the Department or other good cause.
2. An employee may be requested to telework due to departmental or County need, such as emergencies, power outages, natural disasters, or building closure.

Process for Employee to Request to Telework; Final Determination; No Right to Appeal:

To make a request for a teleworking arrangement, employees must complete a Flexible Work Schedule and/or Telework Request and file the complete request form with their supervisor or manager.

The employee's supervisor or manager will provide the request form to the Department Head or their designee and will discuss the employee's request with the Department Head, or their designee.

In consultation with or based on information provided by the employee's supervisor or manager, the Department Head, or their designee, will make a recommendation for a determination regarding the employee's request to telework to the CEO or their designee.

The CEO or their designee will consider Teleworking requests on a case-by-case basis consistent with the criteria above and other factors relevant to the employee's request to telework.

The decision of the CEO or their designee regarding an employee's Teleworking request is final and binding. Neither the employee nor the employee's employee organization possesses any right to appeal or grieve the decision.

When an eligible and qualified employee who has requested and been granted the opportunity to telework, the employee agrees to work the approved alternate schedule (if applicable) and at the alternate location and follow all applicable work-related policies and procedures. The request form shall provide the mutual understanding of the employee, the employee's supervisor or manager, and the CEO or their designee concerning the teleworking arrangement.

General Duties, Obligations, Responsibilities:

1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Teleworking employees shall abide by all County and departmental rules and regulations, policies and procedures.
2. All of the Teleworking employees' existing supervisory relations, lines of authority and supervisory practices remain in effect.
3. Teleworking employees must have an Alternative Worksite that is adequate for performance of official duties (see checklist), including an Alternate Worksite that is quiet and free of distractions and which has reliable and secure power, internet and/or wireless access.
4. Teleworking employees must notify their supervisor or manager promptly when unable to perform work assignments because of equipment failure or any other unforeseen circumstances.
5. Teleworking employees must ensure dependent care will not interfere with work responsibilities.
6. Teleworking employees must not bring clients, customers, vendors or other persons into their home to conduct County business.
7. Teleworking employees must safeguard any County equipment and only use the equipment according to County policy.
8. Teleworking employees shall ensure that all official County documents are retained and maintained according to the normal operating procedures in the same manner as if working at a County worksite. Employees agree to safeguard the County records from disclosure or access by unauthorized individuals and will comply with all confidentiality and privacy laws, rules, regulations, and policies applicable to their position and the handling, security and storage of the records and information related thereto.

9. Employees, upon approval of a request for Telework, agree that the County will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work location.
10. Employees agree that teleworking authorized pursuant to this Policy does not entitle them to telework at will. Employees will return to their normal assignment location upon completion of the approved telework assignment.
11. Nothing in this policy precludes the County from taking any appropriate disciplinary action or adverse action against an employee who fails to comply with Personnel Code Section 18 or their applicable MOU.

Space and Equipment, Information, Security and Confidentiality

1. Teleworking employees will either receive approval to use personal computer equipment or will be provided with County issued equipment at the discretion of the CEO.
2. If the County provided any County issued equipment, teleworking employees agree to follow the County's policy for the use of such equipment. Teleworking employees must report to their supervisor any loss, damage, or unauthorized access to County-owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.
3. Where, in response to a request to Telework, the County allows an employee to Telework, the County shall not be responsible for Teleworking costs, including, but not limited to, the employee's use of their home or place of residence, their personal computer, utilities, internet, data, network costs, home maintenance, workspace furniture, ergonomic equipment, or any other incidental costs, unless expressly provided for in the Agreement. When an employee is directed to telework for the majority of a pay period (more than half), for example, during an emergency or natural disaster, the employee will receive a stipend of \$25 per pay period for use of personal items and utilities, that will begin the pay period such telework starts and will end the pay period such telework ends (i.e., the employee is directed to return to the worksite for the majority of a pay period). Complete the Auditor-Controller Stipend Form (available on the Auditor-Controller's Infonet site) when directed to telework for the majority of a pay period or more.
4. Employees must take reasonable precautions to ensure their devices (*e.g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to the County's network and must close or secure all connections to County desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for the County. Employees must maintain adequate firewall and security protection on all such devices used to conduct County work from the Alternate Worksite.
5. Teleworking employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to the County's records retention policies, especially as it pertains to the California Public Records Act ("CPRA"). Teleworking employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to County work they access from the Alternate Worksite or transport from their County worksite to the Alternate Worksite. Teleworking employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the Alternate Worksite or transport from their County worksite to the Alternate Worksite. Teleworking employees must return all records, documents, and correspondence to the County at the termination of the Agreement or upon request by their supervisor or manager, Department Head or Human Resources.

6. Continuously throughout a telework assignment, telework employees must maintain a safe and ergonomically sound workspace environment.

Work Schedule, Overtime, Leave and Benefits

1. For non-exempt employees, the County will either provide such employee: (1) a work schedule that will be included in the Agreement and, which will include meal and rest breaks (“Work Schedule”); or (2) authorization to work on an intermittent basis.
2. For non-exempt employees assigned a Work Schedule, any deviation from the Work Schedule must be approved in advance, in writing, by the employee’s supervisor or manager and the Department Head.
3. Non-exempt telework employees working at an Alternate Worksite must not Telework outside their normal work hours without prior written authorization from their supervisor or manager and the Department Head. A non-exempt employee who fails to secure written authorization before Teleworking outside their normal work hours may face discipline in accordance with the County’s policy for working unauthorized overtime.
4. Telework employees acknowledge that Telework does not change the employee’s classification or rate of pay, salary, or benefits.
5. Telework employee must be available and accessible by phone and email during their agreed upon telework Work Schedule.
6. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, must take meal and rest breaks while Teleworking as required under applicable law and/or under applicable contract or County policy.
7. For non-exempt employees assigned a Work Schedule, all periods of Teleworking employees’ unavailability must be approved in advance by their supervisor or manager and the Department Head in accordance with County policy and documented on the appropriate leave request form. For non-exempt employees authorized to work intermittently, any intermittent schedule must be approved in advance by their supervisor or manager.
8. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to report in a timely manner all hours worked at the Alternate Worksite and make that record available to their supervisor upon request. Employees shall record the use of all leave time on their timesheet.
9. Employees shall continue to abide by County policies and procedures for requests of sick, vacation and other leaves of absences. If an employee becomes ill while working under the Agreement, they shall notify their supervisor or manager immediately and record on their timesheet any hours not worked due to illness and/or incapacitation.
10. Non-exempt employees, regardless of whether assigned a Work Schedule or authorized to work intermittently, are required to request to work overtime in advance of doing so and such requests must be pre-approved in writing by the employee’s supervisor or manager.
11. Workers’ Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers’ Compensation law. Teleworking employees must report any such work-related injuries to their supervisor or manager immediately. The County shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when said injuries

occur at the Alternate Worksite. In the event of a telework workplace injury, employee agrees to allow the County's Risk Manager or designee, to access the employee's telework workspace upon request for purposes of investigating the injury only.

21.16 DECLARED EMERGENCY LEAVE

The purpose of this policy is to provide a method to support employees who have suffered the permanent loss of their primary residence during a declared emergency.

During a declared emergency the CEO is authorized to grant Declared Emergency Leave (“DEL”) to any County employee who has experienced the loss of use of their primary residence due to the associated declared emergency (example: wildfire, flood, earthquake, etc.) The CEO, at their sole discretion, can grant up to 36 hours per declared emergency to each qualified employee.

Employees will apply for Declared Emergency Leave through the CEO’s Office by submitting a Request for DEL form, available on the Infonet and in NeoGov. If granted, the authorized DEL form shall be sent to the Auditor Controller and added to either the vacation or Personal Leave Program balance the next pay period. Once processed, the employee may use the time at their discretion. The employee is not required to exhaust other leave banks prior to utilizing DEL. No employee shall be granted more than 36 hours per declared emergency.



COUNTY OF NEVADA

FLEXIBLE WORK SCHEDULE and/or TELEWORK SCHEDULE REQUEST/AGREEMENT

You may use this form to request one or both types of schedules. An employee may have both a FWS and a TW schedule, or just one or the other. When directed to telework, complete the telework portion of the form according to required schedule.

Employee: _____

Supervisor: _____ Department: _____

- Check one or both: [] Request for Approval or Modification of Flexible Work Schedule ("FWS") (pages 1-2 apply to FWSs)
[] Request for Approval of Telework ("TW") Schedule (either on-going or episodic) (pages 3-4 apply to TW)
Or: [] I am completing this form because I have been directed to Telework (complete the Auditor's Stipend Form.)

FWS: Effective at start of TWO pay periods from this date: _____
FWS: Effective at this custom date (which also must be the start of a pay period): _____

[] Four 10-hour days ("4-10" Option):
Hours of work: _____ to _____
Regular Day Off (RDO) off each week: _____ (the same day each week)
Lunch period: [] 1 hour [] 1/2 hour

[] Four 9-hour days and one 4-hour day ("4-9-4" Option):
9-hour days' hours of work: _____ to _____
4-hour day hours of work: _____ to _____
4-hour day of the week: _____ (the same in each week)
Lunch period: [] 1 hour [] 1/2 hour

[] Eight 9-hour days + one 8-hour day + one Regular Day Off (RDO) ("9-80" Option):
9-hour days' hours of work _____ to _____
Lunch period: [] 1 hour [] 1/2 hour
8-hour day and RDO: _____ Hours of work: 8:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M.
RDO Week Selection: [] Week 1 [] Week 2

If I am a non-exempt employee, I understand that my workweek will end at 12:59 a.m. on my 8-hour day, my lunch period will be from 12 noon to 1 p.m., and my new workweek will begin at 1:00 P.M.; thus, 4 hours of work are and will need to be accomplished before the lunch period and 4 hours of work must be completed after the lunch period.

[] Five 8-hour days with pre-approved flexing of start and stop time on some days ("Flex Schedule" Option):
Standard hours of work Monday through Friday: _____ to _____
Lunch period: [] 1 hour [] 1/2 hour
As a non-exempt employee eligible to earn overtime/CTO, I understand that with prior supervisory approval, I may start earlier or stay later, during the same workweek, to accommodate absences.

[] Five 8-hour days ("5-8" Option):
Hours of work: _____ to _____
Lunch period: [] 1 hour [] 1/2 hour

Note to employee and supervisor: Whenever the beginning of a non-exempt employee's workweek changes (and this happens when an employee is starting or stopping a 9-80 schedule, changing RDOs within a 9-80 schedule, and in some other circumstances), a computation of overtime due to overlapping workweeks must be done. Contact the Payroll Division of the Auditor's Office for help with overlapping workweek overtime computations.



COUNTY OF NEVADA

FLEXIBLE WORK SCHEDULE and/or TELEWORK SCHEDULE REQUEST/AGREEMENT

You may use this form to request one or both types of schedules. An employee may have both a FWS and a TW schedule, or just one or the other. When directed to telework, complete the telework portion of the form according to required schedule.

- I have read the Flexible Work Schedule policy and understand and agree to abide by the terms, conditions and attendance reporting requirements for the work schedule.
I acknowledge that, if I am a non-exempt employee who is eligible for overtime pay, then any work time in excess of 40 hours in the designated work week must be pre-approved.
I understand that I may request a change to my schedule up to two times in a twelve-month period.
I understand that if absent on vacation, CTO, sick leave, or leave without pay on a scheduled workday, the amount of leave deducted shall equal the number of hours scheduled to work that day.
I understand that I may work between the hours of 7:00 A.M. and 6:00 P.M., with either a half hour or hour off for lunch period. Core hours during which I need to be in the office are 9:00 A.M. to 3:30 P.M.
This schedule is not transferable to another work unit or department unless first approved by the new appointing authority.
I understand that this schedule, including hours and days of work, are subject to my supervisor's approval in consultation with the Department Head and may be revoked at any time. The work needs of the Department may necessitate changes to or discontinuing of this schedule.

Employee signature Date

Supervisor signature Date

- Approved as requested
Approved as modified below
Denied

Modification: Describe any modifications or special conditions to the approved schedule:

FLEXIBLE WORK SCHEDULE HOLIDAY WEEK CONSIDERATIONS: OVERVIEW

Note to employee and supervisor: The Holiday Week Overview shown below is a summary of options associated with each schedule type. Please review the Flexible Work Schedule Policy for detail related to holiday week schedule requirements.

Four 10-hour days ("4-10" Option):
During a workweek with a holiday, employees will work with their supervisor to determine what option is best to adequately cover for the holiday. Options include:
reverting back to an 8-hour-per-day standard Monday through Friday schedule
if the holiday lands on the RDO, move the holiday to the next working day unless that moves the holiday into the next workweek; otherwise the holiday will be moved to the previous working day
If I am a non-exempt employee, and the holiday falls on one of my 10-hour work days and I am not reverting back to a five 8-hour-day schedule, I will be required to use 2 hours of leave balance

Four 9-hour days and one 4-hour day ("4-9-4" Option):
During a workweek with a holiday, employees will work with their supervisor to determine what option is best to adequately cover for the holiday. Options include:
reverting back to an 8-hour-per-day standard Monday through Friday schedule
if the holiday lands on my scheduled 4-hour day, move the 4-hour day to the next scheduled day, or, if moving forward would push the day into the next workweek, then the 4-hour day will be moved to the previous scheduled day
If I am a non-exempt employee, and the holiday falls on one of my 9-hour work days and I am not reverting back to a five 8-hour-day schedule, I will be required to use 1 hour of leave balance

Eight 9-hour days + one 8-hour day + one Regular Day Off (RDO) ("9-80" Option):
I understand that for 9-80 schedules, due to the FLSA workweek restrictions, non-exempt employees do not have the flexibility and options during a holiday week that other schedule choices may have. During a week with a holiday in which the holiday falls on my regularly scheduled day off, I will receive the next working day off as a holiday, or, if moving forward would push the holiday into the next workweek, then the holiday becomes the workday before the actual holiday. If I am a non-exempt



COUNTY OF NEVADA

FLEXIBLE WORK SCHEDULE and/or TELEWORK SCHEDULE REQUEST/AGREEMENT

You may use this form to request one or both types of schedules. An employee may have both a FWS and a TW schedule, or just one or the other. When directed to telework, complete the telework portion of the form according to required schedule.

employee, and the holiday falls on one of my 9-hour workdays, I will be required to use 1 hour of leave balance. Exempt employees will work with their supervisor to determine what option is best to adequately cover for the holiday.

Telework

I would like to Telework the following days. If I've also requested a Flex schedule option, the telework days would work in conjunction with the flex schedule.

Week One of Pay Period: S M T W Th F Sat Week Two of Pay Period: S M T W Th F Sat

I would like to work a "short-term" telework schedule (referred to as "episodic" in the policy) for this duration:

From To

- The Department Head has affirmatively determined the employee meets the eligibility criteria to participate in a telework program.
The employee has been notified of their allowable telework schedule. Telework days will not be substituted without advance approval of the supervisor/manager.
Full-time telework is extremely rare and may only be permissible episodically, or when necessary and justified, depending on the needs of the job and demonstration of a clear benefit to program objectives and operations.
The employee will perform the following work at the telecommuting site (add pages as necessary):

- Reports on telecommuting work assignments shall be provided to the employee's supervisor in the following manner and frequency:

- County Equipment: in addition to expendable office supplies provided by the County, the following County equipment and/or services shall be provided to the employee for use in telework:

Table with 3 columns: Equipment, Brand Name, Serial Number. Each column has three blank lines for entry.

- Employee agrees to use reasonable care while operating County equipment, to protect the equipment; and to return equipment to the supervisor/manager if employee discontinues telework.
Expenses and reimbursements: The County is not required to pay for any additional equipment to allow someone the ability to work.
Employee agrees to report any occupational injury or illness to their supervisor/manager immediately and complete all necessary and/or County requested documents regarding the injury.
Employee will be available by phone and e-mail during County office hours.



COUNTY OF NEVADA

FLEXIBLE WORK SCHEDULE and/or TELEWORK SCHEDULE REQUEST/AGREEMENT

You may use this form to request one or both types of schedules. An employee may have both a FWS and a TW schedule, or just one or the other. When directed to telework, complete the telework portion of the form according to required schedule.

- Employee will comply with the County Personnel Code and all other County policies, including but not limited to the Technology Use Policy. Employee shall have no expectation of privacy when using County systems or technology.
- Employee will adhere to the security and confidentiality policies of the Department and the County, and protect County assets, information and information systems at the remote work location.
- The employee’s standard, designated telework location should not be routinely more than 2 hours from their assigned home base office location. Exceptions to this requirement require CEO approval. Episodic teleworking from distances of greater than two hours away may be permitted by CEO or designee.
- Employee will telework from the following designated workplace: _____ (description such as “home office”).
- Employee certifies by the following (employee’s signature, below, serves as certification):

Internet connection is sufficient to perform all work duties uninterrupted. Recommendation is 10Mbps consistent speed with less than 150ms latency for a reliable connection. See IGS _____ for more information.	Workplace is away from noise, distractions, and is devoted to your work needs
Workspace accommodates workstation, equipment, and related material	Floors are clear and free from hazards
File drawers are not top-heavy and do not open into walkways	Phone lines and electrical cords are secure under a desk or along wall, and away from heat sources
Temperature, ventilation, and lighting are adequate	All stairs with four or more steps are equipped with handrails
Carpets are well secured to the floor and free of frayed or worm seams	There is a working smoke detector in the workspace area
A home multi-use fire extinguisher, which you know how to use, is readily available	Walkway aisles, and doorways are unobstructed
Workspace is kept free of trash, clutter, and flammable liquids	All radiators and portable heaters are located away from flammable items
You have an evacuation plan, so you know what to do in the event of a fire	Sufficient electrical outlets are accessible
Computer equipment is connected to a surge protector	Electrical system is adequate for office equipment
All electrical plugs, cords, outlets, and panels are in good condition; no exposed/damage wiring	Equipment is placed close to electrical outlets
Extension cords and power strips are not daisy chained and no permanent extension cord is in use	Equipment is turned off when not in use
Chair caster(wheels) are secure, and the rungs and legs of the chair are sturdy	Chair is adjustable
Your back is adequately supported by a backrest	Your feet are on the floor or adequately supported by a footrest
You have enough leg room at your desk	There is sufficient light for reading
The computer screen is free from noticeable glare	The top of the screen is at eye level
There is space to rest the arms while not keying	All necessary equipment to perform required tasks is able to be procured

*Any waiver of the above requirements must be authorized by the Risk Manager in writing.

*All new employees are expected to report to their physical location on the first day of work to allow for initial system log-in and access to be established.

*A home assessment is available to employees upon request.

CERTIFICATION

I understand that telework is an arrangement between me and the County and is not an entitlement or employee benefit. I understand this agreement may be terminated for any reason, at any time, by any party, with or without cause. I certify that I have read the Telework Policy and this Telework Agreement, that I understand their contents, and that I will abide by the terms.

Employee Signature

Date

Supervisor Signature

Date

Note: Applying for FWS and TW? You and your supervisor need to sign on pages 2 and 4. If one or the other, then one set of signatures needed. Supervisor, your signature affirms you have conferred with your DH—you signature serves as the DH’s authorized signer.