



DATE: April 23, 2020

TO: Transportation Authority of Marin Board of Commissioners

FROM: Anne Richman, Executive Director *Anne Richman*
Li Zhang, Deputy Executive Director/Chief Financial Officer

SUBJECT: Acceptance of the Emergency Telecommuting Policy (Action), Agenda Item No. 6f

RECOMMENDATION

The TAM Board reviews and accepts the proposed Emergency Telecommuting Policy.

BACKGROUND/DISCUSSION

As you well know, due to concerns about the widespread impact of the COVID-19 pandemic, as of March 16, 2020, six of the nine Bay Area Counties, including San Francisco, Santa Clara, San Mateo, Marin, Contra Costa and Alameda, announced “shelter in place” orders for residents. The order also required all businesses that do not provide “essential” services to send employees home. Among those remaining open are grocery stores, pharmacies, restaurants for take-out or delivery only and hardware stores. Most employees are ordered to stay home, with exceptions including health care workers; police, fire and other emergency responders; and utility providers such as electricians, plumbers and sanitation workers. The whole state since followed suit and now the “shelter in place” order is effective until May 3, 2020.

Though TAM’s office work doesn’t qualify as “essential” services under the order, it’s still important for the agency to continue its work on the many critical transportation projects and programs in the County and its coordination and support to all our partner agencies in this difficult time. With this in mind, TAM’s Executive Director consulted with the TAM Chair, and all TAM staff started to work remotely as of Tuesday, March 17. With the “shelter in place” order now extended from April 7 to May 3, staff believes it’s important to develop a formal Emergency Telecommuting Policy (Policy) to provide the necessary guidelines and framework needed during this stressful work arrangement period.

The purpose of the Policy is to ensure that TAM functions continue to be performed effectively at an alternative location during the disruption of normal operations due to unforeseen natural disasters or other catastrophic events, like COVID-19 and the power shut-down days during the wild fire seasons. This Policy is an emergency policy and the Executive Director has the discretion to enact and/or withdraw the Policy under qualified events with the approval of TAM Chairperson under extreme circumstances.

FISCAL CONSIDERATION

None

NEXT STEPS

With the TAM Board's approval of the draft Emergency Telecommuting Policy, staff will finalize the policy and formally implement it.

ATTACHMENTS

Draft Emergency Telecommuting Policy

Transportation Authority of Marin Emergency Telecommuting Policy

The purpose of the Emergency Telecommuting Policy (Policy) is to ensure that essential TAM functions continue to be performed at an alternative location during the disruption of normal operations due to unforeseen natural disasters or other catastrophic events. TAM will implement this Policy in keeping with the mission of the agency. This Policy is an emergency policy and the Executive Director has the discretion to enact and/or withdraw the Policy under qualified events with the approval of TAM Chairperson under extreme circumstances.

Eligibility Criteria

Telecommuting may not be suitable for all employees and the Executive Director has the discretion to determine the employees and positions who may telecommute on an emergency basis utilizing criteria that include, but are not limited to:

1. The reason for the need to invoke this policy, i.e. the nature and extent of the emergency and any legal or regulatory requirements that may apply thereto;
2. The essential needs and potential disruption to the agency's operations;
3. The ability of the employee to perform his or her specific job duties from a location separate from TAM's office (Alternate Worksite) without diminishing the quantity or quality of the work performed, which includes the following considerations;
 - The degree of face-to-face interaction with other TAM employees and the public that the employee's position requires;
 - The portability of the employee's work;
 - The ability to create a functional, reliable, safe, and secure Alternate Worksite for the employee at a reasonable cost;
 - The ability to measure the employee's work performance from an Alternative Worksite;
 - The employee's supervisory responsibilities;
 - The employee's need for supervision
4. Any safety considerations related to the employee performing his or her work from an Alternative Worksite.

5. Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Head, the Chief Financial Officer, or the Deputy Executive Director.

Telecommute Assignment:

All employees should acknowledge and agree that the established telecommuting arrangement is temporary and subject to the discretion of the Executive Director and will be approved on a case-by-case basis consistent with the eligibility criteria above.

1. Non-exempt employees who receive compensating time should set a regular work schedule with the approval of their supervisor. Non-exempt employees may not telecommute outside their normal work hours without prior written authorization from their supervisors or the Executive Director. Compensating time during the emergency telecommuting period is only allowed if specified requested and authorized by the employees' supervisors or the Executive Director.
2. All exempted employees should work with their supervisors and/or Executive Director to determine a regular work schedule and make all possible effort to adhere to the work schedule.
3. Telecommuting employees are required to be accessible in the same manner as if they are working at the TAM office during the established telecommuting, regardless of the designated location for telecommuting. Employees must be accessible via telephone, email, and/or network access to their supervisor and other TAM employees while telecommuting on a reliable basis during the normal work hours.
4. Employees shall work according to the established work schedules and track their activities regularly and provide work progress report to their supervisors and/or the Executive Director upon request. If the supervisor and/or Executive Director determines that work progress is insufficient, and loss of production is an issue, he/she can alter or eliminate the allowable work-from-home hours of the employees..
5. While telecommuting, employees shall adhere to the following:
 - a. Ensure the alternate work site has reliable and secure internet and/or wireless access.
 - b. All periods of employees' unavailability due to various leave must be approved in advance by supervisors and/or the Executive Director in accordance with TAM's leave policy and record accordingly on their timesheets.
 - c. Employees need to report to their supervisors and/or Executive Director right away if they cannot work due to illness, and record accordingly on their

timesheets.

- d. Employees shall ensure dependent care will not interfere with work responsibilities.
- e. Employees must notify their supervisors promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.
- f. If TAM has provided agency owned equipment, employees agree to follow the TAM's Policy for the use of such equipment. Employees will report to their supervisors and/or the Executive Director any loss, damage, or unauthorized access to TAM owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.

General Duties, Obligations and Responsibilities of the Employees:

Employees must adhere to the provisions set forth in this Policy. Any deviation from the Policy requires prior written approval from the Executive Director.

- 1. All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Telecommuting employees are expected to abide by all TAM policies and procedures, rules and regulations, and all other applicable requirements.
- 2. Employees authorized to perform work at an Alternate Worksite must meet the same standards of performance and professionalism expected in terms of job responsibilities, work product, timeliness of assignments, and communication with other TAM employees and the public.
- 3. Employees shall ensure that all official TAM documents are retained and maintained according to the normal operating procedures in the same manner as if working at the TAM office.
- 4. Employees may receive approval to use personal computer equipment or be provided with TAM issued equipment at the discretion of the Executive Director. TAM shall not be responsible for costs associated with the use of personal computer and/or cellular equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, ergonomic equipment, liability for third party claims, or any other incidental costs (e.g., utilities associated with the employee's telecommuting).
- 5. Employees shall be responsible to follow safe work practices and create a safe environment in which to work free from obstructions or unnecessary hazards.
- 6. Employees shall continue to abide by practices, policies and procedures for requests of

sick, vacation and other leaves of absences. Requests to work compensating time, declare vacation or take other time off from work must be pre-approved in writing by each employee's supervisor.

7. Employees must take reasonable precautions to ensure that all devices (e.g., computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to TAM's network and must close or secure all connections to TAM's desktop or system resources (e.g., remote desktop, VPN connections, etc.) when not conducting work.
8. Employees shall exercise the same precautions to safeguard electronic and paper information and protect confidentiality, especially as it pertains to the Public Records Act. Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to TAM work they access from the Alternate Worksite or transport from TAM office to the Alternate Worksite. 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 TAM office to the Alternate Worksite. Employees must return all records, documents, and correspondence to TAM at the termination of the emergency period or upon request by their supervisors, Department Head or Human Resources.

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