



Town of Amherst

COVID-19 Telework Policy

December 29, 2020

Purpose and Effect

This policy outlines the Town of Amherst's temporary telework policy for employees working remotely during the COVID-19 pandemic. It will remain in effect until rescinded by the Town Manager. All other policies remain in effect unless otherwise noted.

Policy

Depending on the business needs of the Town department, certain employees may be permitted to telework in accordance with this policy, and with their Department Head's permission. The Town has the right to cancel or suspend employee telework arrangements at any time, for any reason, or for no reason, without notice. NOTE: this policy does not entitle employees to telework for reasons unrelated to the COVID-19 pandemic.

The Town intends to transition back to fully staffed, on-site, municipal operations at the conclusion of the COVID-19 pandemic.

While temporarily working remotely, employees will work just as if they were in their regular Town of Amherst work location. They shall maintain productivity, performance, communication, and responsiveness standards as if they were not temporarily working remotely.

This policy does not change the basic terms and conditions of the Employee's employment with the Town of Amherst. Employees will perform all of the duties as set forth in their job descriptions, as well as those additional and/or different duties that their Department Head may assign from time to time. Employees remain obligated to comply with all Town of Amherst (as well as the Department) policies and procedures.

Eligibility

Employees who are eligible for telework have been notified by their Department Heads. All telework arrangements are approved on a case-by-case basis, focusing first on the needs of the Town and Department, applicable State requirements, and the needs of the employee. Before approving any telework arrangement, the employee and their Department Head, with the assistance of the Human

Resources Department, will evaluate the suitability of such an arrangement, paying particular attention to the following areas:

- Employee suitability. The employee and Department Head will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful teleworkers.
- Job responsibilities. The employee and Department Head will discuss the job responsibilities and determine if the job is appropriate for a remote working arrangement.
- Equipment needs. The employee and Department Head will review the employee's equipment needs, workspace design considerations, and scheduling issues and whether they can be addressed through a telework arrangement.
- Tax and other legal implications. The employee is responsible for any tax or other legal implications (insurance, etc.) for the business use of the employee's home based on Internal Revenue Service (IRS) and state and local government restrictions. Responsibility for fulfilling all obligations in this area rests solely with the employee.

The ultimate authority on which positions can work remotely resides with the Town Manager as recommended by the appropriate Department Head.

Equipment Furnishings/Office Supplies

Employees are required to use Town of Amherst-issued or approved equipment for telework. If equipment fails, employees should notify their Department Head immediately. Technical support for Town-approved equipment and software will be provided through the Information Technology Department according to their stated policies for providing such support. The Town of Amherst does not provide office furnishings—such as desks, chairs, file cabinets, and lighting—for employees who are teleworking. Nor does the Town provide technical support for equipment not owned by the Town.

The Town of Amherst is not responsible for operating costs of any personal equipment (including, but not limited to, computers, personal devices, cellular or standard telephones), home maintenance of personal equipment, or any other incidental costs (utility provider costs, telephone costs, or for any supply costs used in the home) associated with the use of an employee's alternative work arrangement.

Employees are solely responsible for the configuration associated with their remote workspace. This includes ensuring and maintaining an ergonomically appropriate and safe remote worksite. After the home office space has been established, the Department Head or the Human Resources Director may request photos of the workspace, or request a virtual tour, in order to inspect for possible workplace hazards and suggest modifications. Injuries sustained by the employee while at their home work location and in conjunction with their regular work duties are normally covered by the Town's workers' compensation policy. Remote workers are responsible for notifying the Human Resources Department immediately of such injuries in accordance with the Town's workers' compensation procedures. The employee is liable for any injuries sustained by visitors to their worksite.

Data Security

Employees must comply with all of the Town's electronic communication, data security policies and procedures while teleworking, including but not limited the Town Cell Phone, Town Property, and Computer Use policies. Please see the Town's IT policies for more information, available at

<https://www.amherstma.gov/DocumentCenter/View/43357/2017-Technology-Use-Policy?bidId=>. If an employee desires to use their own personal devices for any telework, the employee will be required to sign and abide by the terms of the Town's Technology Use Policy linked above. Failure to follow security policies and procedures will result in discipline up to and including termination.

Reasonable Accommodations

Reasonable accommodations are available for the known physical or mental limitations of qualified employees with disabilities. The Town is committed to providing accommodations so long as accommodations do not place an undue hardship on business operations or pose a threat to the health or safety of employees. Employees who were receiving an accommodation before this policy became effective, and employees who need a new accommodation, should review the American's with Disabilities Act and review their situation with their Department Head or Human Resources Director.

Work Schedules and Response Time

While employees and Department Heads can develop arrangements tailored to employee and departmental needs, employees are expected to meet the following minimum requirements:

- Employees must maintain a presence with their Department while temporarily working remotely. Presence may be maintained in the manner and using the technology directed by the Department Head, which remains readily available such as by laptop computer, mobile phone, email, messaging application, videoconferencing, instant messaging and/or text messaging at all times the Department Head expects or requires them to work.
- Employees must be available to their Department Head and co-workers during work hours.
- Employees are expected to maintain the same response times as if they were at a regular Town of Amherst work location, and as required by their Department Head.
- Employees must carry out assigned duties, assignments, and other work obligations in a timely manner.
- Employees must be available to attend scheduled on-camera video meetings and conference calls and participate in other required office activities at the home office as needed. Employees must make themselves available to physically attend scheduled work meetings as requested by their Department Head.

Overtime

No employee is to work overtime without prior approval from their Department Head. Employees are required to take rest and meal breaks while working remotely in full compliance with Federal, state, and local guidelines. Employees working remotely agree to follow such procedures as their Department Head may establish in order to minimize the likelihood of interruptions or delays to rest or meal breaks in a way that causes a violation of Town of Amherst policy or Federal or State regulations. Employees are required to notify their Department Head within one business day if they believe they were unable to take a rest or meal break in full compliance with the requirements of Federal, state or local policy on a day on which they worked remotely.

Caregiving Responsibilities

Telework arrangements are not designed to be a replacement for appropriate child/dependent care. Employees are expected to arrange for child/dependent care as necessary for the hours in which the

