

Fresno Unified Board Policy (BP) 4113.5

Telework

Purpose

The Governing Board recognizes that teleworking at home or at another alternative work location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. Additionally, Fresno Unified School District is committed to increasing employee productivity and improving talent recruitment and retention by providing employees with work alternatives that enable employees to meet their work and family needs. Fresno Unified School District desires to maintain work facilities that are contemporary and comparable to work settings in the private sector but are also compatible with the K-12 educational environment and the provision of services to schools and employees.

Teleworking is a work alternative that Fresno Unified School District offers to eligible employees in eligible jobs when it is beneficial to both Fresno Unified School District and its employees. Teleworking does not change the terms and conditions of employment with Fresno Unified School District, nor should it interfere with operational business needs or the delivery of district educational programs. Telework is a privilege, not a benefit or right, and may be terminated by the employee or the Superintendent or Designee at any time.

This policy establishes and outlines the rules for alternative work locations for employees to perform their usual job duties away from their regularly assigned or usual and customary work location. The alternative work arrangement is intended to help Fresno Unified School District recruit and retain excellent employees; to provide more flexible work arrangements for eligible employees; and to assist in the community effort to reduce outdoor air pollution and traffic congestion attributable to automobile travel.

The Superintendent or Designee may modify the requirements of this procedure to accommodate the needs of the district during a public health emergency or other extended closure of district offices.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4113 - Assignment)
(cf. 4157/4257/4357 - Safety/Injury and Illness Prevention Program)
(cf. 6157 - Distance Learning)

Definitions

Ad-hoc Assignment – a temporary teleworking agreement for the purposes of allowing an employee who does not have an eligible job to work at an alternate location. Ad hoc assignments of more than two (2) days will require the approval of the division Chief and the Chief of Human Resources.

Alternative Work Location – a work location other than the employee's regularly assigned or usual and customary work location. Typically, a location or space that is not owned or operated by Fresno Unified School District.

Central Work Location – an employee's regularly assigned or usual and customary work location where the employee would be required to work if they were not teleworking.

Eligible Employee – a district employee in a job classification identified as suitable for telecommuting, who have successfully completed their initial probationary period, and whose most recent performance evaluation is at minimum meeting standards or equivalent.

Eligible Job – A job in which the employee is not providing direct service to schools or employees, identified, and approved by the Superintendent or Designee.

Telework/Teleworking – the performance of the assigned essential functions of an employee’s job at an alternative work location via electronic means in accordance with the employee’s usual expected standards of performance and other approved or agreed-upon terms.

Teleworking Agreement – a written agreement that details the terms and conditions to permit an employee to engage in teleworking.

Teleworker – A person who, at least one day per week, is permitted to work from an Alternative work location. The employee will perform all their assigned essential job duties at an alternative work location. The employee must have a suitable designated workspace at the alternative work location and access to the technical equipment necessary for the completion of all assigned tasks.

Telework Plan – a specific set of defined work expectations to be met each time the employee works from an Alternative work location. The Work Plan must describe the quantity and quality of completed work. The Work Plan, as applicable to the job title and the employee, may be task-specific or may be goals-based, connecting general areas of work with expectations for the employee’s overall performance.

Eligibility

The opportunity to telework shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for telework. Employees approved for telework shall comply with all district policies, administrative regulations, work schedules, and job assignments. Approval of telework shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

Participation of employees in the telework program will vary and are dependent upon the operational business needs of the area and the functions and responsibilities of employees. Initial determination of an employee’s eligibility to telework is at the discretion of the immediate Supervisor; however, the ultimate decision to allow an eligible employee or a group of employees within Fresno Unified School District to telework is at the discretion of the Superintendent or Designee. In determining whether an employee is eligible to telework, the Superintendent or Designee must consider:

- The employee has appropriate internet access at their Alternative Work Location suitable to perform required work;
- The employee has a working phone where they can be reached during normal business hours;
- Service delivery to internal and external customers will be maintained;
- There will be adequate coverage during normal business hours;
- The employee has satisfactorily performed their job responsibilities prior to their telework request as evidenced through current observations and their most recent performance evaluation;
- The employee demonstrates the ability to work independently;
- The position has clearly defined deliverables and measurable tasks and productivity may be effectively quantified with minimal supervisor observation;

- Confidentiality will not be compromised, and the arrangement does not require the physical removal of confidential files from the workplace; and
- Increased employee engagement will be supported through improved work-life balance.

(cf. 4141/4241 - Agreement)

(cf. 4151 - Employee Compensation)

(cf. 4351 - Salary Schedules)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

Delegation of Responsibility

The Board directs the Superintendent or designee to develop procedures that outline circumstances under which employees may telework and the expectations for such employees while teleworking.

A full-time, part-time, or short-term telework arrangement may be granted by the Superintendent or Designee to an individual employee, upon request, if possible, provided that the position is suitable for telework, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

Guidelines

Employees may be required to sign a Teleworking Agreement or acknowledge teleworking provisions in an applicable collective bargaining agreement, prior to working in an alternative work location, which may be waived under emergency conditions at the Board's discretion or as specified in this policy.

Teleworking is a management option and not an employee right and all decisions shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for telework. If the duties and responsibilities of the eligible employee are suitable, management may allow an employee to telework on a schedule to be determined jointly between the supervisor and the employee. An employee's participation in teleworking is voluntary.

Teleworkers shall comply with all district policies, administrative regulations, work schedules, standards of conduct and job assignments as are expected at their regularly assigned place of work. Approval of telework shall not change the compensation, benefits, performance expectations or other terms and conditions of employment of an employee.

Teleworkers are expected to conduct their work in a location that has a dedicated workspace that is safe and free of obstructions, hazards, and distractions or undue risk that confidential or private information will be discovered, or that district equipment will be lost, stolen or damaged. Teleworkers shall report to their supervisor any serious injury or illness occurring in the alternative work location or in connection with their employment as soon as practically possible in accordance with Board policy.

Teleworkers shall use caution in accessing the internet from public locations and in accessing information from networks outside of the district to safeguard confidential information. Teleworkers shall be responsible for maintaining and protecting district equipment and shall adhere to the district's Acceptable Use Agreement. The teleworker's personally owned equipment may only be used for district business when approved by the Superintendent or Designee or when needed on an emergency basis. Employees participating in teleworking must cover all their expenses associated with teleworking.

Unless otherwise approved in advance by the Superintendent or Designee, teleworkers shall do so within regular work hours established for the position. Teleworkers are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work.

Teleworkers shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

In the case of permanent teleworking arrangements, management may set up a shared workspace arrangement at the central work location where the teleworker shares a workspace with another teleworking employee. No expenses will be paid for traveling to and from the employee's central work location. Employees participating in teleworking must cover all their expenses associated with teleworking and for travel to and from the employee's central work location even if they are required to come in on a day that they are scheduled at the alternative work location.

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)
(cf. 4161.1/4261.1/4361.1 - Personal Illness and Injury Leave)
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

General Conditions

Employees whose physical presence at their central work location is essential to the performance of their duties may not be permitted to telework.

An employee may not telework as a replacement for leave.

Attendance at the employee's central work location for onsite meetings, conferences, training sessions, and other school business activities may be required on scheduled telework days. Teleworkers shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee in a timely manner or failure to appear as required may result in discipline and/or termination of telework responsibilities.

Nonexempt employees shall not be permitted to work overtime or during non-working hours while teleworking without prior written authorization from the employee's immediate supervisor, in accordance with law and Board policy.

Work done at an alternative work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss and shall be kept confidential or made accessible to the public in accordance with law.

Teleworkers shall be subject to and shall comply with the same Board policies, administrative regulations, and standards of conduct as are expected under normal working conditions.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 4119.21 - Professional Standards)
(cf. 5125 - Student Records)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4115/4215/4315) - Evaluation Supervision)

Roles and Responsibilities

Employee Responsibilities

Employees eligible to telework shall:

1. Initiate the telework approval process;
2. Contact IT Department to ensure that telework equipment is in compliance standards;
3. Maintain safe working conditions at their alternative work location as the employee would at their regularly assigned or usual and customary work location;

4. Report any work interruption while at the alternative work location. In the event that the interruption requires the employee to work at their regularly assigned or usual and customary work location instead of teleworking, the employee must immediately notify their Supervisor/Manager; and
5. Report any job-related injury at their alternative work location to their direct supervisor within 48 hours and follow established procedures.

Supervisor/Manager Responsibilities

Supervisors/Managers of eligible teleworkers shall:

1. Review and submit the eligible employee's Telework Agreement to Human Resources Division. If the request to telework is not approved, the Supervisor/Manager must still forward the request to the Human Resources Division with a written reason why they are denying the request and any evidentiary support;
2. Discuss any changes and issues regarding the Telework Agreement or schedule with the employee; and
3. Hold regularly scheduled conferences with the telework employee to discuss assignments during the telework period and any work-related issues while at the alternative work location.

Human Resources Division Responsibilities

Human Resources Division shall:

1. Review all Telework Agreements for consistency with policy and place signed form in the employee's official personnel file;
2. Maintain a record of all Telework Agreements within Fresno Unified School District; and
3. Notify all district employees of their eligibility to telework.

Violation of this Policy may result in disciplinary action, up to and including termination of employment. All employees are required to promptly report violations of this policy to the Human Resources Division.

The Human Resources Division reserves the right to revise or eliminate this Policy at any time. The Fresno Unified Board of Education reserves the right to approve proposed policy revisions or eliminations as determined by the Human Resources Division.

Eligibility Requirements

1. Fresno Unified School District Chiefs will identify eligible jobs within their division(s) and submit those to the Chief of Human Resources for approval prior to July 1 each year.
2. To be eligible to apply for teleworking, an employee must hold a position that is eligible for teleworking and should have satisfactorily completed their probationary period. The probationary period requirement can be waived at the discretion of the division Chief.
3. Division leaders will identify skills and characteristics necessary for a teleworker, taking into account but not limited to the following:
 - a. The employee's history of work performance
 - b. The employee's demonstrated ability to work effectively and independently in accomplishing work assignments
 - c. The nature of the work and the work products required
 - d. Sufficient portable work for the amount of telework proposed
 - e. Comfort with and willingness to fully utilize the technologies necessary for successful telework and continued interaction with co-workers

- f. Good communication with managers, co-workers, and customers that will enable a relatively seamless transition from onsite to offsite
- g. Telework office space that is conducive to getting the work done
- h. Ability to be flexible about the telework arrangement to respond to the needs of the manager, the workgroup, and the work
- i. Organized work practices and strong planning skills
- j. Effective communication skills.

Application Process

1. An eligible employee wishing to routinely telework in an eligible job shall submit a written application/agreement to their immediate supervisor on the form provided. The supervisor and department head will submit all requests to the division Chief or Designee for recommendation. The division Chief will forward all recommended application/agreement forms to the Chief of Human Resources for final approval.
2. All signatures and approvals must be obtained prior to the beginning of telework. Agreements must be renewed by June 30 of each year. All decisions made regarding an employee's application for telework are final and may not be appealed.
3. Requests for ad-hoc telework assignments will be considered on a case-by-case basis and may require additional documentation (i.e., medical note or other documentation).
4. Ad-hoc assignments shall not be used in such a way that employees are routinely working in an alternate location.

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

GOVERNMENT CODE

6250-6270 California Public Records Act

12900-12996 Fair Employment and Housing Act

LABOR CODE

226.7 Mandated meal, rest, or recovery periods

6400 Safe and healthful employment and place of employment

6401 Unsafe workplace

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Policy FRESNO UNIFIED SCHOOL DISTRICT

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