

PPPB Public Hearing Notice: Rules and Regulations Revision

DATE: Thursday, January 16, 2025, 6:00 p.m.

LOCATION: Town Hall, Second Floor Meeting Room

Rules and Regulation Proposed Revisions as follow:

**Remote Work Policy**

Please see the detailed attachment.

## **Remote Work Policy**

### **I. Purpose and Scope**

The Remote Work Program (RWP) is a management tool that helps to set guidelines for working from a remote location.

The Town of Southampton (the "Town") encourages the responsible use of the RWP where it will be to the mutual benefit of employees, the Town, and the Town's stakeholders. The RWP is not an employee benefit intended to be available to all Town employees, rather it is a work option used at the supervisor's (herein defined as Department Head, Board, Committee or designee) discretion.

### **II. Applicability**

This policy applies to all full-time and regular part-time non-union employees of the Town, excluding those employees under the supervision and control of the School Committee. Employees subject to a Collective Bargaining Agreement (the "CBA") are subject to the policy only if adopted as specified in the CBA.

### **III. Eligibility**

- A. An employee is eligible for the RWP with the approval of their supervisor, provided their job requires minimal direct supervision and face-to-face interaction and where such interaction can be scheduled successfully to permit remote working.
- B. Supervisors shall use the following guidelines in evaluating employee eligibility for the RWP:
  - 1. The employee can accomplish their job without being on the premises for an agreed upon portion of their regular work schedule and without detrimental impact on the productivity of the work group.
  - 2. Clear work objectives can be set, tasks can be clearly defined, and results can be measurable.
  - 3. If not otherwise available from the Town, the employee shall provide the appropriate equipment in the remote work site including, at minimum, a telephone, a computer that has internet access and is compatible with Town software, a suitable workspace, and other equipment as appropriate to the employee's job.
  - 4. The employee shall have demonstrated, to the supervisor's satisfaction, their capability to work productively without direct supervision. Indicators include consistent high performance, a positive attitude toward assigned work, self-motivation, and no relevant discipline problems in the employee's work history.
  - 5. The employee shall have indicated a willingness to participate in remote work to the supervisor.

#### IV. Policy

##### A. Prior Authorization

Employees are not authorized to work remotely without prior approval of their supervisor.

##### B. Departmental Policies

1. Each Town department is responsible for determining the positions within the department that are appropriate for remote work and for developing department specific policies on remote work to supplement the RWP as necessary.
2. Remote work does not otherwise alter the basic terms and conditions of employment including wages, overtime compensation, insurance benefits, paid leave, salary reviews, workers' compensation, etc. Unless otherwise expressly provided by state or federal law, the laws of the Commonwealth of Massachusetts shall apply to the basic terms and conditions of employment.
3. Town and departmental policies, rules, and practices shall apply at the remote work site.

##### C. Remote Work Agreement for Routine Remote Work

1. Routine remote work will be permitted for employees only under the terms of a remote work agreement. The remote work agreement may require modification by the Select Board and Personnel Policies and Procedures Board to fit individual employee circumstances. **Remote work may entail department meetings via Zoom/Teams communication.**
2. Remote Work is not an employee right nor do employees have any property interests in remote work. Remote work agreements shall be entered into voluntarily by both the employee and the Town. Either the Town or the employee may discontinue the remote work arrangement at any time and for non-discriminatory reasons. In no circumstances are employees entitled to appeal any Town decision on remote work issues, including approvals or denials, or a Town decision to discontinue a remote work agreement .
3. All employees working remotely will be required to take approved leave to accommodate personal business at their remote work site. Remote work is not a replacement for dependent care and is not intended to be used in place of vacation, sick, family and medical, or other types of leave.

##### D. Ad Hoc Remote Work

In unplanned and temporary situations for short-term (generally one week or less) accommodation, the Town/supervisor can exercise discretion in determining whether an employee can accomplish at least some part of their duties from the

remote work site in such a situation. Supervisors may approve Ad Hoc Remote Work for short periods of time to allow employees to work at home or other locations for reasons that are inclusive of the policy's purpose. The terms of ad hoc remote work should be clarified in an agreement between the Town/ supervisor and employee.

E. Work Hours and Accessibility

1. Work Hours and Scheduling

- a. Remote work arrangements must comply with any applicable state and federal laws including wage and hour laws that regulate the payment of overtime for non-exempt employees.
- b. Employees must receive advance approval from their supervisor for any overtime work or flexing of their remote work schedule. Employees must also report to their supervisor any absences from duty during remote work hours in the same manner as if they were scheduled to be at their assigned work location.
- c. Employees will not be paid for travel between the remote work site and the employee's official workstation.
- d. In-person business meetings shall not be held at the remote work site.
- e. Remote workers will maintain accessibility during agreed upon work hours or specific core hours of accessibility as required by the Town.
- f. Remote workers will maintain accessibility via email and/or telephone during the agreed upon work hours or specific core hours of accessibility.
- g. The remote work agreement must state the primary location of the remote work site. If the primary site location changes, either permanently or temporarily, the employee must inform their supervisor.
- h. Working from Home should be an accommodation and recertified annually.
- i. It is not the intent of the policy for offices to be closed during normal office hours.

F. Technology Policies and Town Owned Equipment

All information technology policies apply to all remote work.

G. Remote Work Product and Records

- 1. Work done on behalf of the Town at the remote work site is considered official Town business, or the same as if performed at the official worksite. Products, documents, and records used by/or developed while remote working shall remain the property of the Town and are subject to Town policy and state and federal law regarding confidentiality, disclosure, public records access, and records retention requirements.

2. To every extent possible, employees should use electronic versions of files when working remotely. Only copies of official public records should be taken to a remote work location. Original public records should remain in the office, and copies may be properly disposed of when no longer needed.
3. Employees shall take steps to keep all required information confidential based on Town policies and state regulations.

#### H. Workplace Health and Safety

1. The Town's responsibility and accountability for employees' health and safety while working at a remote work site is essentially the same as that when employees work in their assigned Town work location. For this reason, employees are required to maintain a designated work area at home or other approved remote work site.
2. Workers' Compensation
  - a. While working remotely, employees are required to maintain a safe working environment. Failure to maintain a safe working environment will result in termination of remote working privileges. Standard workers' compensation practices apply, and employees are covered by applicable laws for illness or injury occurring during the course and scope of work. If injured while working remotely, the remote worker must report the injury to the supervisor immediately, following standard Town reporting procedures.
  - b. The Town does not assume responsibility for injury to any persons other than the employee at the employee's residence or alternate workspace within it, or any other remote work site.
  - c. Depending on the nature and the severity of the injury, an on-site investigation may be initiated immediately upon notification. The on-site investigation will be performed by Town staff or an investigative service provider acting under control of a third-party administrator.
  - d. Employees are principally located in the Commonwealth of Massachusetts. Employees who remotely work in another state must follow standard Town reporting procedures and file any claims in the Commonwealth of Massachusetts, regardless of the state in which the illness or injury occurred.

#### I. No Reimbursable Expenses

1. The Town will not reimburse an employee for expenses related to an internet connection for the remote work site. To the extent possible, employees should arrange their schedule to print documents while at their official workstation. Reimbursements for supplies shall be approved by the Town Accountant.
2. Typical office supplies required to complete assigned work at the remote work site shall be obtained from the Town during the remote worker's in-office work periods.

## **V. Income Tax**

The Town makes no representation on any income tax implications related to remote work and the location an employee is approved to engage in remote work, particularly out-of-state locations. Employees participating in the RWP are encouraged to consult a personal tax advisor regarding their individual situation.

## **VI. Procedures**

The employee and their supervisor will collaborate to create a mutually suitable remote work agreement including the tasks or scope of work to be completed at the remote work site, the time frames for completion, and how work will be reported and evaluated. Both parties must sign the agreement and submit it to the Town Administrator. Once the agreement has received the necessary approval, a copy of the agreement will be placed in the employee's personnel file

## **VII. Exceptions**

- A. The Select Board has the discretion to make exceptions to this policy in the best interest of the Town, such as during declared emergencies or other unique situations mandating remote work outside of pre-approved arrangements.