

RESOLUTION NO. 416-22 10/25/22 COL LEG Adopt Cayuga Co. Hybrid-Remote Work Policyrev

Adopt a Hybrid-Remote Work Policy for Eligible Cayuga County Employees

BY: Christopher Petrus, Chairman of the Government Operations Committee
Hans Pecher, Chairman of the Ways & Means Committee

WHEREAS, it has been the philosophy of Cayuga County government that the services it provides are best accomplished when employees work onsite; and

WHEREAS, this Legislature also recognizes that some services have been identified to not need consistent physical presence onsite; and

WHEREAS, this Legislature also recognizes that hybrid-remote work may pose advantages for both county government and its employees, including relief of on-site space constraints, cost reduction, environmental sustainability, and crisis response; and

WHEREAS, allowing for alternative work arrangements including hybrid-remote work could attract and retain a diverse and talented workforce; and

WHEREAS, the Cayuga County Legislature further recognizes that not all employees are eligible nor are all positions suitable for hybrid-remote work; and

WHEREAS this Legislature wishes to support a policy that establishes hybrid-remote work as an option for working onsite and offsite for those employees and positions deemed appropriate; now therefore be it

RESOLVED, that the Cayuga County Legislature finds that it is in the County’s interest to adopt this hybrid-remote work policy; and be it further

RESOLVED, that the Cayuga County Legislature supports the establishment of any procedures to enhance the implementation of, and further support, the Hybrid-Remote Work Policy for the Cayuga County government work force; and be it further

RESOLVED, that the Chair of the Legislature, Human Resources Administrator, Operations Officer, and the Cayuga County Department Head’s work in conjunction to ensure that the standards set forth in the policy are adhered to and at the intent of this policy; and be it further

RESOLVED, that this Resolution shall take effect immediately.



*State of New York }
County of Cayuga }*

I do hereby certify, that I have compared the foregoing copy of a Resolution duly passed and adopted by the Cayuga County Legislature at a meeting held on the 25th day of October 2022 with the original Resolution, and that the same is a true and correct copy and transcript thereof, and the whole thereof.

Given under my hand and official seal October 26th, 2022

Shula P. Smith
CLERK, CAYUGA COUNTY LEGISLATURE

DEPARTMENT: LEGISLATURE

POLICY TITLE: CAYUGA COUNTY HYBRID-REMOTE WORK policy

EFFECTIVE DATE: 10/25/22

RESOLUTION NO: 416-22

POLICY OBJECTIVE:

March 2020, the COVID-19 pandemic created barriers that challenged the County to be innovative with regards to delivery of public service and ways for employees to conduct business without interruption. Although it has always been the philosophy of Cayuga County that the services provided are best accomplished when employees work onsite, hybrid-remote work has posed advantages for the organization and its employees. These advantages include, but are not limited to, relief of on-site space constraints, cost reduction, environmental sustainability and crisis response.

The pandemic and hybrid-remote work, therefore, has proven that a physical presence is not always essential to the success of some job functions. In addition, hybrid-remote work implementation has been found to attract prospective employees, support a work-life balance and help to retain a talented workforce without disruption of services to residents.

Public services are a priority for the County and, therefore, this policy shall provide an understanding that hybrid-remote work is not an entitlement benefit and not a right. Rather, it is a privilege and an alternative method of meeting the needs of a department.

Hybrid-Remote work shall be considered as a voluntary work arrangement determined and authorized by the Department Head (or designee) using a Hybrid-Remote Work Agreement (sample attached) that is reviewed, approved and periodically evaluated.

The hybrid-remote work arrangement for eligible County employees shall include, but not be limited to, working in an approved designated area offsite, fulfilling their job responsibilities during regularly scheduled work hours.

Hybrid-Remote work shall also be a cooperative arrangement between employees, supervisors, and employing departments and offered at the sole discretion of Cayuga County.

In addition, this Hybrid-remote work policy shall assist with the plan of continuity of services during crisis situations. For a crisis situation, to include a pandemic, the guidelines set forth in the Cayuga County Pandemic Plan and/or Continuity Of Operations Plan (COOP) shall be followed in collaboration with the standards outlined in this policy.

Employees in bargaining units represented by a Union will also be eligible for a hybrid-remote work arrangement in accordance with this policy and subject to any bargained agreements.

All County policies and procedures shall be adhered to while working hybrid-remote including, but not limited to, conduct, safety, security, time recording and attendance.

POLICY:

Work Arrangement:

Hybrid-Remote work arrangements shall represent a hybrid design for the employee to include both work time onsite and offsite.

All County employees who work hybrid-remotely must have an approved hybrid-remote work agreement (provided by the Human Resource Department) under this policy.

A hybrid-remote work agreement shall be signed by employee and approved by their relevant Department Head (or designee) or by the Legislative Chairperson (or designee) for a Department Head working remotely.

Review and approval of all hybrid-remote work agreements shall be in collaboration between the Department Head (or designee) or Legislative Chairperson (or designee) and Human Resource Department. All original copies of the agreement shall be forwarded to Human Resources for filing in the employee's Personnel file.

Hybrid-Remote work may be a viable alternative work arrangement in cases where the individual employee, the job, and the Department Heads (or designee) are all in agreement to such an arrangement. The work arrangement may be terminated at any time by the employee's respective Department Head (or designee) or by the Legislative Chairperson (or designee) if for a Department Head working hybrid-remotely. An employee may also submit a request to their Department Head to terminate a hybrid-remote work agreement.

The Department Head or Legislative Chairperson (or designee) has the right to refuse to make hybrid-remote working available to an employee or a Department Head and to terminate a hybrid-remote work arrangement at any time.

Employees will be required to agree they will have adequate means of performing their work at the same level of efficiency while performing hybrid-remote work.

Employees who work hybrid-remotely on a regular and recurring basis must be available to work **onsite** on hybrid-remote workdays if needed. They may be required, at any time, to commute to their onsite work location. *(This is considered commute time, and employees working hybrid-remote are not eligible to receive reimbursement for this travel.)*

Informal work arrangements to include working on the road during business travel are not intended to be covered by this policy.

Employees shall work their normal work schedule unless they receive approval to adjust their schedule by their Department Head (or designee) or the Legislative Chairperson (or designee).

Hybrid-Remote work does not change the duties, obligations, responsibilities, or terms and conditions of County employment. Email and voicemail must be monitored and responded to multiple times per work day. A County Department Head (or designee) may have additional hybrid-remote work requirements, guidelines, or procedures, provided they are consistent with the intent of this policy.

The employee's compensation, benefits, work status and work responsibilities will not change due to participation in the Hybrid-Remote Work program. The amount of time the employee is normally scheduled or expected to work per day or pay period will not change as a result of participation in the Hybrid-Remote Work Program.

Personal errands and appointments shall be performed during the employee's scheduled breaks and lunch or by use of benefit time (i.e. vacation, personal time, comp time, etc.).

Employees shall not engage in other employment or volunteer work during those regular work hours.

Eligibility:

Eligibility for hybrid-remote work is based first on all essential job functions being able to be performed hybrid-remotely during the time of hybrid-remote work, the needs of the organization or unit, and then the individual employee. Not every job nor every employee is suited for hybrid-remote work.

Employees who are under active discipline or not meeting performance expectations/working under a performance improvement plan are not eligible to work hybrid-remotely.

Hybrid-Remote work agreements can be on a regular and recurring, or an occasional, basis.

- *Regular and recurring* means an employee works offsite on an established day or days, and on a recurring schedule.
- *Occasional* hybrid-remote work means an employee works offsite on an infrequent, or irregular basis. This option provides an arrangement for employees who generally need to be in the office, but who sometimes have projects, assignments, or other circumstances that meet the eligibility criteria. Occasional requests by employees to change their regularly scheduled hybrid-remote days may be accommodated by the supervisor if possible. Employees must obtain prior authorization to change a regularly scheduled hybrid-remote day.

Technology/Equipment:

Employees are expected to maintain a presence with their department while working hybrid-remote and methods of presence (technology) will be arranged by the Department Head (or designee) or the Legislative Chairperson (or designee) if for the Department Head.

Employees working hybrid-remote shall read, review and attest the to the IT Security Policy which contains all the current IT policies and procedures.

The County shall not be 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, except as otherwise authorized by another County policy.

No Cayuga County data should be downloaded onto a personal device and is forbidden. It is imperative that the integrity and confidentiality of Cayuga County be ensured.

Employees working hybrid-remotely shall take all reasonable precautions necessary to secure County information and equipment in the designated work space and prevent unauthorized access to any system or information.

Data and information used by employees working hybrid-remotely must be treated with the same caution and respect that confidential material is given in the office. In some cases, employees working hybrid-remotely will need to take a few added precautions to ensure also that all standards set forth in the Cayuga County HIPAA Policy are applied.

Employees are required to comply with all procedures to assure that security measures are in place to protect equipment, data and documents from physical damage, theft, loss, modification, destruction, inappropriate release, or access by unauthorized individuals. Data containing employee-identifying information must be sent encrypted.

Employees must access the County network according to standards and policies via Virtual Private Network (VPN) or authorized connection from the alternate work location. Access will be limited to the minimum necessary to fulfill defined mission requirements.

The County reserves the right to monitor and log, without notice, all hybrid-remote work activity, including email. Employees that are working hybrid-remotely should have no expectation of privacy in the use of County-related resources or business.

All County provided equipment and office supplies remain the property of the County and are to be used only for work related purposes. In addition, any repair to Cayuga County equipment shall be initiated and scheduled by the employee with the IT department.

Appropriate Work Space

Employees working hybrid-remotely must establish an appropriate work environment within their space at home location for work purposes and shall be maintained in a safe condition, free from hazards. The employee must allow inspections of the employee's work area or home office to be conducted by the County or its agent if a job-related incident, accident, or injury has occurred.

Any accident must be brought to the immediate attention of the supervisor, Payroll Systems Specialist and the Clerk of the Legislature as per the Cayuga County Accident Investigation Policy. In addition, The County will only be responsible for a third party if there is a covered cause of loss due to the employee's line of work.

Employees working hybrid-remotely shall not hold business meetings with internal or external clients, customers or colleagues at their residence.

Employees must have a working telephone or cellphone, and internet service available at their hybrid-remote location.

The Hybrid-Remote Work Policy is intended to be cost neutral. The County will not provide hybrid-remote work employees with materials or supplies needed, other than IT equipment, to establish their alternate worksite (desk, chair, internet, cell phone, fax, copier, etc.), and assumes no responsibility for set-up or operating costs at the alternate worksite (including telephone or adequate high-speed internet services, etc.).

Hybrid-Remote employees shall have a method for reliably and expediently receiving and responding to communications (phone calls, messages, email, etc.) from other staff, supervisors, and, when applicable, the public.

If the employee's hybrid-remote work location is affected by an emergency that prevents them from working (such as a power outage), the employee will be expected to report to their work site location to work or make other arrangements with their Department Head (or designee) or Chairperson of the Legislature (or designee (if a Department Head) for use of benefit/leave time as appropriate.

The County is not liable for damage to the employee's real property.

Employees Covered Under a Collective Bargaining Agreement

The employment terms set out in this Policy work in conjunction with, and do not necessarily replace, amend, or supplement any terms or conditions of employment stated in any collective bargaining agreement. Employees should consult the terms of their collective bargaining agreement. Wherever employment terms in this Policy differ from the terms expressed in the applicable collective bargaining agreement with Cayuga County, employees should refer to the specific terms of the collective bargaining agreement, which will control.

Violation of Policy

Department Heads must ensure their employees working hybrid-remotely understand this policy and comply with the expectations outlined within it. Failure to adhere to the provisions set forth in this policy while working hybrid-remotely may have adverse effects on employment, and may result in disciplinary

act, including but not limited to immediate termination of the opportunity to participate in the hybrid-remote work agreement.

Definitions:

Designee:

An individual to act on behalf of or chosen by the Department Head or Legislative Chairperson

Periodic review date:

The date determined by Department Head or Legislative Chairperson (or designee) for evaluating status of the hybrid-remote work arrangement.

Cayuga County Employee Hybrid-Remote Work Agreement (Sample)

Employee Name: _____ Position Title : _____

Phone Number: work _____ Home (cell) _____ Department: _____

Hybrid-Remote Start Date: _____ Periodic Review date: _____ Hybrid-Remote End Date: _____

Hybrid-Remote location (address): _____

Hybrid-Remote Contact Numbers: _____

Hybrid-Remote Schedule: Number of days per week _____ Number of days per month _____

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Onsite Hrs							
Offsite Hrs							
Total Hours							

Assigned Tasks: _____

Performance Requirements: (phone contact times to Department Designee or Department Head (if required) any deadlines for projects (if relevant))

County Equipment Assigned and serial numbers: _____

It is expressly understood and agreed that this work arrangement does not create or define the terms of any contract of employment, whether expressed or implied.

This agreement is subject to the employee satisfying the following conditions on a continuing basis:

- Employee obligations, duties, responsibilities, and terms and conditions of employment are unchanged.
- The employee shall perform all duties at a satisfactory performance level or above.
- The employee must comply with all County and departmental policies and procedures while working a hybrid-remote work schedule.
- The employee will maintain confidentiality as required by the County, Federal, State, and Local laws.
- The employee will maintain the agreed upon work schedule and be accessible via telephone and email during hybrid-remote work.
- The employee will participate in routine work performance evaluations as required.
- The employee shall not conduct any unauthorized external (non-County) work during their hybrid-remote work schedule.
- The employee will maintain an ergonomically appropriate and safe home office environment.
- Any non-compliance with these terms by the employee may result in modification or termination of the hybrid-remote work arrangement at any time.

Hours of Work and Compensation: The employee agrees to be responsible for maintaining the agreed upon hours of work and is required to keep a detailed record of hours worked on timesheet per the Time Recording Policy. Employee pay rates and accrual of leave time benefits remain unchanged and in accordance with the terms of this agreement the employee will be compensated for all hours during which work is performed. Employees must get

advance authorization for any hours worked outside of or beyond their normal work schedule. Employees are required to meal breaks per NYS Labor Laws and applicable collective bargaining agreements. The County will not reimburse the employee for the cost of any off-site related expenses and any personal tax implications related to the location of working hybrid-remote. This shall be the employee's responsibility.

Liability: Workers Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by the NYS Workers' Compensation Law. The employee must report any such work-related injuries to their supervisor or Department Head immediately. The employee must allow inspection of the employee's work area or home office to be conducted by the County or its agent if a job-related incident, accident, or injury has occurred.

Cayuga County is not responsible for any loss, damage, destruction to property or for any injury or loss to third persons at the approved hybrid-remote work location.

Confidentiality and Non-Disclosure: During the course of their employment with Cayuga County, the aforementioned employee has gained knowledge of and/or access to confidential and proprietary information. By the execution of this agreement, the employee understand that they are expressly prohibited from disclosing to any unauthorized person, company, or other entity any such information and is prohibited from using any such information for personal gain or profit. The employee understands that confidential information, system, or data and all items made or compiled by the employee or made available to the employee during any period of employment shall be and remain exclusive property of the County. Upon separation of employment with the County, the employee shall immediately return any such property to the County and no copies thereof may be kept by the employee.

Agreement Acknowledgement: I have read and understand the Cayuga County IT Security Policy and the Hybrid-Remote Work Policy, all of their provisions and this work arrangement. By signing below, I agree to be bound by the terms and conditions within this agreement. I understand that it is my responsibility to make the hybrid-remote work arrangement a success and this work arrangement may be terminated at any time by the Department Head (or designee) or the Legislative Chairperson (or designee). I also understand that failure to adhere to the provisions set forth in the policy or this agreement may have adverse effects on my employment, and may result in disciplinary action, including but not limited to immediate termination of the opportunity to participate in hybrid-remote work.

Employee Signature: _____ **Date:** _____

**Department Head or
Legislative Chairperson
(or designee) Signature:** _____ **Date:** _____