

Memorandum



Date: January 18, 2022

To: Department Directors

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Administrative Order 7-46: Employee Telecommuting

I am pleased to transmit the attached administrative order (AO) establishing procedures for employee telecommuting. The AO further formalizes the policies and procedures described in my Employee Telecommuting Policy, which was transmitted to you November 4, 2021 and is available online at:

<https://www.miamidade.gov/humanresources/library/telecommuting-policy-return-to-workplace.pdf>.

This policy was created with your input and was informed by best practices research. The AO, like the policy, is intended to ensure that our customers receive the same service levels, with a high degree of professionalism and responsiveness, regardless of whether employees are telecommuting or working at a County site. Additionally, the AO delineates clear roles and responsibilities for Department Directors, supervisors, and employees; puts in place rules to ensure employee safety, information security, and confidentiality; and establishes policies and procedures regarding equipment used to perform work from home and/or an approved designated remote work location and the associated expenses.

As I have previously stated, supervisors are encouraged to be open-minded in fairly assessing the feasibility of offering alternative work arrangements, and to consider factors such as whether work can still be effectively performed, with unit goals and objectives continuing to be met. It is important to note that alternative work arrangements are not entitlements, are allowed at the discretion of the Department Director, and do not alter the terms and conditions of employment with the County. As a reminder, employees who are currently telecommuting, wish to continue doing so, and do not have a formal agreement with their department, or those who wish to commence telecommuting, must provide fully executed copies of the "Telecommuting and Work from Home Agreement" and "Telecommuting Self-Certification Safety Checklist" to their respective supervisor, Department Personnel Representative, or Department Director as described in the AO. Existing telecommuting agreements will remain in effect unless there are changes in work status, reporting relationship, schedules, etc. which would warrant a new agreement.

For additional guidance, including assistance in evaluating the feasibility of telecommuting in specific situations, please refer to the November 4 policy. Should you have any questions, please do not hesitate to contact Arleene Cuellar, Director of the Human Resources Department, at 305-375-1589. Thank you for your continued support as we administer these new guidelines that will create a more flexible, positive work environment.

Attachment

c: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Honorable Harvey Ruvín, Clerk, Circuit and County Courts
Honorable Pedro J. Garcia, Property Appraiser
Lazaro Solis, Deputy Property Appraiser
Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney

Jess M. McCarty, Executive Assistant County Attorney

Office of the Mayor Senior Staff

Felix Jimenez, Inspector General

Jose J. Arrojo, Executive Director, Commission on Ethics and Public Trust

Javier A. Betancourt, Executive Director, Citizens' Independent Transportation Trust

William Diggs, Executive Director, Miami-Dade Economic Advocacy Trust

Aileen Bouclé, Executive Director, Transportation Planning Organization

Melissa Adames, Director, Clerk of the Board

Jennifer Moon, Chief, Office of Policy and Budgetary Affairs

Yinka Majekodunmi, Commission Auditor

Departmental Personnel Representatives

Administrative Order



Administrative Order No.: 7-46

Title: Employee Telecommuting

Ordered:

Effective:

AUTHORITY: Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter.

SCOPE: This Administrative Order applies to County employees under the purview of the Mayor.

PURPOSE:

The purpose of this Administrative Order (AO) is to provide guidelines for employees on alternative work arrangements, specifically telecommuting and flexible work schedules. This AO aims to define expectations to ensure that Miami-Dade County (MDC) and its employees meet MDC goals and objectives through a mutually beneficial teleworking arrangement. Specifically, the AO is intended to:

1. Ensure members of the public receive the same standard of customer service and attention when employees are telecommuting.
2. Require employees to acknowledge that the County's work performance standards and their job duties/responsibilities remain unchanged regardless of work location or schedule.
3. Establish certain standards regarding the safety, security, and maintenance of County-issued equipment.

The County's priority is to ensure the health and safety of all employees and residents, while maintaining flexibility, productivity, and accountability.

This AO is subject to modification based on further adjustments to, or the development of, other County policies or procedures on these matters, including, but not limited to Administrative Order No. 5-5, Acquisition, Assignment and Use of Telecommunication Devices and Network Resources. Failure of any employee to acknowledge receipt of this AO does not prevent its enforcement. Furthermore, this AO does not exempt employees from adhering to work location schedules or special assignments that require presence at designated onsite locations to execute essential functions and duties of the position. This policy has been provided in advance to the collective bargaining agents for the applicable County employees. This AO is not intended to contradict the express terms of the applicable collective bargaining agreement without written consent from the applicable collective bargaining agent.

More information can be found in the Miami-Dade County Employee Telecommuting Policy available at: <https://www.miamidade.gov/humanresources/library/telecommuting-policy-return-to-workplace.pdf>.

POLICY:

Alternative work arrangements such as telecommuting and flexible work schedules are not entitlements, are allowed at the sole discretion of the Department Director, and do not alter the terms and conditions of employment with MDC. Under this policy, telecommuters may perform work during any part of their authorized work schedule at home and/or an approved designated remote work location and may also, if approved, work a flexible work schedule.

Employees must obtain approval from their supervisor and Department Director or designee by having all parties sign the "Telecommuting and Work from Home Agreement" which may be accessed at:

<https://www.miamidade.gov/humanresources/library/telecommuting-work-from-home-agreement.pdf>.

The department has the right to offer or decline to offer alternative work arrangements to an employee and to terminate such options at any time, for any reason, upon notice to the employee.

Employees are allowed alternative arrangements only if, in the discretion of management, their job duties permit it. Additionally, eligibility to participate is always subject to the needs of MDC and may be modified as those needs dictate. A supervisor can require an employee to report to their MDC work location if there is failure to maintain work goals and standards.

Any employee who is granted the privilege of participating in this program, and who is found to have violated this policy, is subject to disciplinary action, up to and including termination.

Additional guidance regarding job and employee attributes that lend themselves to telecommuting can be found in the Miami-Dade County Employee Telecommuting Policy.

ROLES AND RESPONSIBILITIES:

Department Directors are responsible for approving all employee telecommuting agreements and for approving the issuance of County owned computer equipment for use in telecommuting. Department Directors may also terminate telecommuting agreements at their discretion.

Supervisors are responsible for:

1. Evaluating essential job functions for each employee in order to determine if the work can be performed while telecommuting.
2. Clearly identifying and assigning tasks that need to be performed, including providing a description of specific deliverables. The supervisor will prepare a workplan, when applicable, which will be reviewed to assess the employee's progress towards completing the work plan on a pre-determined schedule.

3. Monitoring productivity. A supervisor can require an employee to report to his/her MDC work location if there is failure to maintain work goals and standards.

Employees are responsible for:

1. Meeting or conferring with the supervisor to receive assignments and to review completed work as the supervisor deems necessary. Employees and their supervisors are to maintain the same established performance, targets, deliverables, and standards, regardless of work location. Failure of an employee to meet any of the standards set by the department while telecommuting is subject to the appropriate disciplinary action as would have occurred at the workplace.
2. Advising their supervisor immediately when an employee is not able to perform his/her job and/or maintain communication capabilities while telecommuting. The employee must report to the on-site work location or request the appropriate leave.
3. Arranging personal responsibilities, including child or dependent care, so as not to interfere with work time.
4. Furnishing, equipping, and maintaining an appropriate safe, secure, healthy, comfortable, and ergonomic workspace within their home and/or approved designated remote work location for work purposes. The employee's home and/or approved designated remote work location will be considered an extension of the County's workspace, which must be a separate area set aside for the employee to work and be able to accomplish assignments in an effective and efficient manner.
5. Telecommuting from the location stipulated in the agreement when not working at the designated MDC work location. Employees may not work from alternate locations without prior written approval from their supervisor.
6. Keeping a log/record of tasks and deliverables performed for all time spent telecommuting, as applicable.
7. Reading this AO and adhering to the confidentiality, information security, safety, and all other standards and procedures described herein.

WORK STANDARDS:

The same level of professionalism, responsiveness, and service levels are expected from telecommuters as employees working at County worksites. Telecommuting or flexible work schedules must not:

- Impede other employees or work groups from performing their job duties
- Detrimentally impact MDC's business needs
- Diminish MDC's operations
- Reduce service levels to internal or external customers

The minimum telecommuting and flexible work schedule standards include, but are not limited to the following:

1. Unless advanced arrangements are made with the employee's supervisor, telecommuting employees working a flexible schedule are expected to
 - a. Maintain regular telephone and e-mail contact and be accessible during the hours agreed upon apart from lunch, breaks, meetings, etc.; return phone calls, voice messages, texts, and emails within the same expected timeframes as in the workplace.
 - b. Be available and respond to their supervisors, managers, and co-workers during established work hours within the time required by the supervisor.
 - c. Ensure that they can be reached through telephone (office, home, mobile), instant messaging (e.g., Teams, Zoom, Google), or other communication tools that are routinely utilized within the employee's work unit, and not rely solely on one form of communication.
2. All email communications to external customers must include contact information as noted in MDC's branding policy for email signatures.
3. Video meetings must be in a quiet, controlled setting without disruptions from animals or other people, and employees must be appropriately dressed for a work setting.
4. Telecommuters and/or employees working a flexible schedule must be available to report to a designated MDC work location during regular working hours at the request of a supervisor at the time period pre-determined by the supervisor. Employees must be available to attend all scheduled meetings and participate in other required office activities at their MDC work location, as needed.
5. Departments may rotate the telecommuting schedule requiring that employees work from the MDC work location, as needed, in accordance with applicable collective bargaining agreements.

Lack of communication may result in an employee being required to return to his/her designated MDC work location.

REMOTE OFFICE/SAFETY STANDARDS AND PROCEDURES:

1. Each telecommuting employee must complete and sign the "Telecommuting Self-Certification Safety Checklist" which is a part of the Agreement and may be accessed at: <https://www.miamidade.gov/humanresources/library/telecommuting-work-from-home-agreement.pdf>. It proclaims the home and/or approved designated remote work location is safe. The goal of completing the checklist is to ensure that all requirements to perform official work are met in an environment that allows tasks to be safely performed. The safety checklist must be completed prior to beginning telecommuting.

2. The work area should be free of safety and fire hazards including no obstruction of exits, good ventilation, no exposed or frayed wiring or cords, and surge protectors for computers. The designated work area must also be free of interruptions that would detrimentally affect performance.
3. If the employee would like to change their telecommuting work location, prior written approval must be obtained from the employee's immediate supervisor.
4. MDC will approve the workspace based on the Self-Certification Checklist but will not be responsible for or reimburse any costs associated with initial setup or upkeep, including but not limited to home office furnishing and related expenses such as construction, renovations, heating/air conditioning, lighting, electricity, and internet connectivity.
5. MDC has the right to visit a telecommuting employee's designated remote work location to ensure that it meets safety, ventilation, and ergonomic standards. Telecommuting employees will be provided with at least 24-hour notice of such visit, which will only be scheduled during normal business hours.
6. MDC will be liable for any work-related injuries that occur while the employee is performing their duties during mutually agreed upon work hours which occur solely in their designated home and/or approved designated remote work location. The employee's remote work hours will conform to a schedule agreed upon by the employee and the applicable supervisor prior to commencing telecommuting. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as those in effect before the employee began telecommuting.
7. MDC assumes no liability for injuries occurring in the participant's home and/or approved designated remote work location while the employee is performing non-work-related activities during the agreed upon telecommuting schedule.
8. MDC is not liable for loss, destruction, or injury that may occur in or to the employee's home and/or approved designated remote work location. This applies to family members, visitors, or others that may become injured within or around the employee's home and/or approved designated remote work location.
9. Employees shall immediately notify their supervisor of any work-related accident or injury that occurs while working at the remote work location. If this accident or injury requires medical assessment at one of the approved Workers' Compensation Authorized Care Centers, the employee shall call TELECLAIM, MDC's injury reporting system at 1-877-MDC-RISK (1-877-632-7475), to first file the claim and then seek medical attention. The employee shall complete their portion of the Supervisor's Investigation Report and submit it to their supervisor for the Supervisor's review and completion.
10. Upon notification from an employee of an on-the-job injury, the supervisor shall immediately begin the injury investigation, and within 48 hours of the injury, the Supervisor's Investigation Report and any associated documents must be completed and forwarded to Risk Management.

The Supervisor's Investigation Report is available at:
<https://www.miamidade.gov/humanresources/library/supervisor-investigation-report.pdf>.

EQUIPMENT AND EXPENSES:

Telecommuters and their supervisors will jointly determine the equipment required to meet their performance objectives from the remote work location. The Information Technology Department (ITD) can assist in determining the appropriate equipment required. Approval or commencement of a telecommuting agreement may be contingent upon the availability of such equipment.

1. For performance purposes, the use and maintenance of secure, high-speed Internet access is strongly recommended when accessing MDC networks through approved software during working hours. Any costs associated with internet access will be at the employee's own expense.
2. Employees must provide and maintain a telephone line or cell phone connection at their own expense. Office telephones should be transferred to the employee remote telephone line either directly or via applications, such as Jabber.
3. MDC will not be responsible for operating costs, such as home maintenance or any other incurred incidental costs (e.g., utilities) associated with the use of the employee's remote work location.
4. MDC will not provide setup in the home or other approved designated remote workspace and will only repair or troubleshoot systems as related to connectivity to MDC's network (VPN or virtual cloud) and County-owned software. MDC will not repair hardware on personal equipment, internet connectivity managed by the internet provider, or the internal home or remote work location network (wired and wireless).
5. MDC may provide computer equipment identified by the supervisor as necessary for the employee to telecommute. The Department Director or the Director's designee may approve additional office equipment, based on supervisor justification, such as a printer, scanner, and cell phone. Requests for specialized hardware and/or software programs should be analyzed by the supervisor and presented to the Director for approval.
6. Employees are responsible for maintaining the County-issued equipment at their remote work location, which may not be used by anyone other than a County employee.
7. If any County-issued equipment is damaged or non-functional, the employee must immediately contact their supervisor for assistance, and work with IT staff, if needed.
8. If equipment or connectivity that is required for performing assigned tasks is non-functional, the employee must report to their MDC work location until the situation is corrected.

9. Employees shall immediately report any lost or stolen County equipment to their supervisor by no later than the following business day and contact the Miami-Dade Police Department or their local police department for a police report. The employee is responsible for obtaining a case number and a copy of the police report, which is to be submitted to their supervisor along with a written statement summarizing the incident.
10. For security purposes, access to MDC's computer network must be used in accordance with MDC's policies and all procedures and guidelines in force for in-office hardware and software usage and security apply to the remote work location.
11. MDC will not be responsible for any wear and tear, repairs, or damage incurred to personal equipment used in the course of business.
12. Telecommuters will receive office supplies through the same channels as on-site County workers. No reimbursements will be authorized for personal use of supplies or equipment or for purchases made outside established procurement procedures. No reimbursement will be made for travel between the home or approved designated remote work location and the MDC work location. Any authorized mileage reimbursements will be made in accordance with the same procedures and regulations as for eligible employees who work solely from a MDC work location.

CONFIDENTIALITY AND INFORMATION SECURITY:

Telecommuting requires dedicated use of information technology resources to ensure productivity and the achievement of MDC's objectives. Consistent with MDC's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary County and customer information accessible from their home and/or approved designated remote work location.

Confidentiality and information security requirements include the following:

1. Employees shall adhere to MDC's or Department approved data privacy standards to protect the County's information from unauthorized access and/or damage.
2. Employees shall adhere to MDC's information technology security and standards.
3. Employees shall not use an unsecured network to perform their job while telecommuting.
4. Employees using their own personal computer to connect to the MDC network must agree to use antivirus software and comply with MDC's protocols to protect data. Additionally, any Internet router used in the home and/or approved designated remote work location for business purposes must be protected with a password different than the default password provided by the internet service provider.

5. IT equipment, software, and all data provided by and developed for MDC will remain the property of MDC, and its use must be consistent with current policies.
6. Personal data should not be stored on equipment owned by MDC. Software used by the employee for County business must be properly licensed.
7. Employees must ensure that electronic records are protected in accordance with existing privacy laws and standards such as documents that are exempt or confidential under the Florida Public Records Act, Chapter 119, Sensitive data must be protected and must not be disclosed to anyone who is not authorized to access the information, including family members, friends, or any other unauthorized persons.
8. Additionally, employees will be expected to ensure the physical protection of all public records and proprietary information accessible from his or her remote workspace. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other steps appropriate for the job and environment. Any materials or equipment taken home and/or to the approved designated remote work location must be kept in the designated work area and not be made accessible to others. Files and work products are not meant to be permanently maintained at an employee's remote work location. Employees must return any files and work products to the County within one business day after the telecommuting arrangement ends or at the discretion of the supervisor.

COMPENSATION, BENEFITS AND WORK SCHEDULES:

1. The employee's compensation, benefits, work status, and work responsibilities will not change due to participation in the telecommuting or flexible work schedule program, provided the employee works the requisite hours, and shall remain as if the employee performed all work duties at an established work location.
2. Compliance with all County rules, policies, standards, and procedures is required.
3. Employees who are telecommuting and/or working a flexible schedule will be compensated for all pay, leave, holidays, and overtime as if duties were performed at a designated County worksite. Overtime will be paid in accordance with the Fair Labor Standards Act (FLSA) and all overtime hours must be included on the e-Payroll Attendance Record (e-PAR) and approved in advance. Employees must continue to obtain supervisory approval before taking time off (annual, sick, holiday leave, etc.) per established MDC policies and procedures.
4. Hourly employees authorized to telecommute are required to comply with the same timekeeping requirements when they are assigned to work in their designated workplace at County facilities. Employees that violate this requirement are subject to discipline.
5. Employees who are compensated on an hourly basis are prohibited from working off the clock or beyond their regularly scheduled number of hours (overtime);

unless and until such employee has been authorized by their supervisor in writing to work overtime for a specific period. Overtime work requires a supervisor's pre-approval whether on-site, telecommuting, or working a flexible schedule. Employees that violate this requirement are subject to discipline.

6. Employees will maintain their break and lunch schedules agreed upon and set by their supervisor. Employees that violate this requirement are subject to discipline.
7. Employees will fill out their e-PARs and any other forms that are required by their department to ensure all time and work is captured in a timely fashion. All hours worked remotely should be recorded using time reporting code (TRC) "WH" (working from home). Falsification of time records or fraudulent timekeeping practices will be subject to discipline.
8. Telecommuting or flexible work schedules will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.
9. Under certain circumstances, in the event telecommuting is discontinued for any employee, the County's return to work procedures may require certification that the returning employee is fit to return to the MDC work location, in accordance with applicable collective bargaining agreements.

PROCEDURE:

The Department Director may approach an employee to request or require a telecommuting and/or flexible work schedule arrangement due to operational needs, and employees may contact their Department Director to discuss the feasibility of such arrangements.

1. The supervisor will evaluate essential job functions for each employee in order to determine if the work can be performed while telecommuting. If the employee's essential job functions cannot be performed at a remote work location, the telecommuting program may not be feasible for that particular job function. If more than one employee from the same work unit is eligible, the supervisor will manage the telecommuting schedule and ensure that there is appropriate coverage at all designated MDC work locations under their purview.
2. Prior to approval, the manager or supervisor will work with the employee to determine an appropriate schedule.
3. Neither telecommuting nor a flexible work schedule will commence until a "Telecommuting and Work from Home Agreement" has been signed by all appropriate parties. As part of the agreement, each telecommuting employee must complete and sign the "Telecommuting Self-Certification Safety Checklist." The Telecommuting Agreement must be submitted and once approved, the manager or supervisor will review their employee's work schedule periodically and make changes if warranted, based on operational needs and/or employee performance.
4. Once it has been determined that an employee's request will be granted, the Department will notify the employee in writing within five business days and

provide the employee with notice detailing telecommuting start and end dates, if any, as well as specific expectations of the County and any consequences for failing to meet these obligations.

5. The respective departments' Human Resources unit will retain the "Telecommuting and Work from Home Agreement" and "Telecommuting Self-Certification Checklist" in the employee's personnel file.
6. If the Department Director or their designee decides to cease telecommuting and/or flexible work schedule arrangements due to operational needs or nonperformance by the employee, the Department will notify the employee in writing of the decision and provide fourteen days' notice to return to their normal onsite work schedule and location.

TERMINATION OF AGREEMENT:

1. The employee may terminate the telecommuting agreement, at any time, by providing notice to their supervisor.
2. MDC may suspend or terminate the employee's participation in the telecommuting program at any time.
3. All documentation pertaining to employee status in the Telecommuting program shall be maintained in the departmental Human Resources Office.

Approved by the County Attorney as
to form and legal sufficiency 