



ADMINISTRATIVE DIRECTIVE

Title: Telework During COVID-19 Pandemic
Issuing Department: Human Resources
Effective Date: April 10, 2020
Approved: Jamsheed Mehta, Town Manager
Type of Action: Original

1.0 PURPOSE

The purpose of this directive is to establish rules and procedures for employees to telework at the Town of Marana during the COVID-19 pandemic. The Department of Labor's (DOL) Wage and Hour Division issued a Temporary Rule for Paid Leave Under the Families First Coronavirus Response Act (FFCRA), in which telework is defined broadly to effectuate the underlying purpose of the act. Teleworking serves to ensure that essential government functions are performed while employees are not in the workplace, resulting in prevention and reduction of the spread of the COVID-19 virus.

On March 17, 2020, the Marana Town Council adopted Resolution 2020-029 adopting the Temporary Personnel Policy Regarding Employee Leave and Telecommuting. Due to the unforeseeable length of the COVID-19 pandemic, Executive Orders issued by Arizona Governor Ducey, advice from the White House and CDC, and temporary rules published by the Wage and Hour Division of the DOL regarding the FFCRA, the Town Manager has amended the telework policy to more broadly define and implement telework.

2.0 DEPARTMENTS AFFECTED

This directive applies to all departments and employees at the Town of Marana.

3.0 REFERENCES

- 3.1 Arizona Governor Doug Ducey's Executive Order 2020-12: Prohibiting the Closure of Essential Services
- 3.2 Arizona Governor Doug Ducey's Executive Order 2020-18: Stay Home, Stay Healthy, Stay Connected
- 3.3 Centers for Disease Control and Prevention (CDC) Interim Guidance for Businesses and Employers
- 3.4 Fair Labor Standards Act (FLSA)
- 3.5 Families First Coronavirus Response Act (FFCRA)

- 3.6 Occupational Safety and Health Act of 1970
- 3.7 Paid Leave Under the Families First Coronavirus Response Act, Temporary Rule issued by the Wage and Hour Division of the Department of Labor on April 6, 2020.
- 3.8 Temporary Personnel Policy Regarding Employee Leave and Telecommuting approved by Marana Resolution No. 2020-029, as amended
- 3.9 The President’s Coronavirus Guidelines for America – 30 Days to Slow the Spread
- 3.10 Town of Marana Personnel Policies and Procedures: Section 5-1-2 Alternative or Flexible Work Schedules
- 3.11 United States Department of Labor and Department of Health and Human Services “Guidance on Preparing Workplaces for COVID-19”
- 3.12 Town of Marana Administrative Directive: Prevention and Reduction of Spread of COVID-19 in the Workplace

4.0 DEFINITIONS

- 4.1 COVID-19 virus or Coronavirus disease: an infectious disease caused by a newly discovered coronavirus.
- 4.2 Telework: a work arrangement in which an employee completes work at a site other than the employee’s normal work location.

5.0 POLICIES AND PROCEDURES

- 5.1 General. Telework is not a right of employment, but may be assigned to an employee based upon job duties and necessity. Certain positions may be ineligible for telework due to business necessity or job duties.
- 5.2 Telework Eligibility. A position is eligible for telework in the following circumstances:
 - 5.2.1 If the essential functions of the position can be performed outside the workplace, the Department Head, in consultation with the Human Resources Director or designee, shall identify positions in the department that meet this criterion.
 - 5.2.2 If all of the essential functions of the position cannot be performed outside the workplace, but all of the following apply:
 - 5.2.2.1 The employee is prohibited from being physically present at the workplace either due to Arizona Governor Ducey’s stay-at-home order (Executive Order 2020-18) or due to one of the reasons listed in Section 3(A) of the Temporary Personnel Policy Regarding Employee Leave and Telecommuting approved by Marana Resolution No. 2020-029, as amended;
 - 5.2.2.2 There is work for the employee to perform;
 - 5.2.2.3 The Town permits the employee to perform that work at a site other than the employee’s normal work location; and
 - 5.2.2.4 There are no extenuating circumstances that prevent the employee from performing the work, such as illness.

5.3 Telework Schedules, Expectations, and Assignments

- 5.3.1 Exempt employees approved for telework are expected to work the hours necessary to satisfactorily perform their jobs, and may be required to work a specified schedule set by their supervisor while teleworking.
- 5.3.2 Non-exempt employees approved for telework shall work no more than 40 hours in a work week while teleworking, unless overtime has been approved by a supervisor in advance.
 - 5.3.2.1 Telework is no less work than if it was performed at a Town worksite. Non-exempt employees must record, and be compensated for, all hours actually worked.
 - 5.3.2.2 Due to an increased need during the COVID-19 pandemic to tend to family and other responsibilities, supervisors should, where applicable, implement highly flexible telework arrangements that allow employees to perform work at potentially unconventional times.
 - 5.3.2.2.1 To maximize flexibility, the Department of Labor continuous workday guidance (29 CFR 790.6(a)), which typically requires counting as hours worked all time between the first and last principal activity performed, does not apply to employees who are teleworking due to the COVID-19 pandemic. Instead, a supervisor and a teleworking employee can have a work schedule that allows for sustained breaks during the work day to allow for care or for schooling of a family member, for example.
- 5.3.3 Supervisors shall establish work assignments and expected productivity for employees when authorizing telework.
 - 5.3.3.1 Employees must be available by phone during their established work schedule.
 - 5.3.3.2 If necessary to ensure essential Town functions as required by Governor Ducey's Executive Orders, employees may need to report to the workplace during the established work schedule. When employees must report to the workplace, supervisors and employees must take steps to reduce person-to-person contact, such as implementing staggered on-site work schedules when appropriate.
 - 5.3.3.3 Work assignments may include answering phones, being in an on-call capacity, work that is not a part of the employee's normal job duties, professional development activities, and other work that arises as a result of the COVID-19 pandemic.

5.4 Telework Rules

- 5.4.1 Employees may not engage in secondary employment or activities other than Town assignments during the established work schedule.
- 5.4.2 Employees should designate a work space that is maintained in a safe condition, free from hazards. However, the Town will not inspect home work sites and home work sites are not subject to OSHA standards.
- 5.4.3 Employees who are teleworking may use accrued leave balances as set forth in the Town's Personnel Policies and Procedures and, as amended by the Temporary

Personnel Policy Regarding Employee Leave and Telecommuting approved by Marana Resolution No. 2020-029, and any subsequent amendments to the temporary policy.

5.4.4 Employees who are teleworking are obligated to comply with all Town of Marana Personnel Policies and Procedures and Administrative Directives.

6.0 RESPONSIBILITIES

It is the responsibility of every department and employee to ensure that productive work is performed while telecommuting that supports essential Town functions.

7.0 ATTACHMENTS

Reserved

REVISION HISTORY

	<i>DESCRIPTION OF CHANGE</i>	<i>DATE</i>
OR	Original Release	4/10/20

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