

<b>Document Title:</b>	Remote/Hybrid Work
<b>Effective Date:</b>	xxxx 1, 2022

## 1. INTRODUCTION

In most cases, Berkeley Unified School District (“BUSD” or “District”) employees are expected to work at their physical locations in-person. While the majority of positions at BUSD are performed in-person, there are situations where it may be in the best interests of the District for employees to work remotely. These arrangements may be generally defined as:

- **On-site:** The employee’s official work location is designated to be at a school site(s) or central office and an on-site presence is required on a regular basis. This is the District’s regular work model.
- **Remote:** The employee’s official work location is off-site (not in BUSD workspace). The employee may work remotely on a regular basis but may be required to come on-site for meetings and other activities. These situations are an exception to the normal BUSD work model.
- **Hybrid:** The employee has a defined schedule in which work is carried out some days of the week or month on-site in a designated space and some days in an official remote location. These situations are an exception to the normal BUSD work model.

The above work arrangements do not preclude employees from being allowed to occasionally shift their work location between remote or on-site with their manager’s prior approval and based on the District’s business needs. In all of these situations, it is important to note that all instances where the employee is working at an off-site location are covered by the remote work policy described below.

## 2. ELIGIBILITY CRITERIA

Though remote or hybrid work arrangements might be a viable option for many eligible staff employees, it is not a right; it is an option that can be modified or revoked by BUSD at any time. Staff whose work cannot be performed at a location away from their regular site location are not eligible. Further, for a variety of operational reasons, remote or hybrid work arrangements may not be extended to all employees who meet the minimum eligibility criteria described below. Decisions about the suitability of flexible work arrangements are discretionary and typically made by management where the employee works, in consultation with Human Resources.

Agreements to request to work remote or hybrid may be made when the arrangements are feasible, secure, reliable, effective, and meet the Districts/Management’s goals and operational needs, all as determined at the initial and ongoing in the discretion of Management and the Human Resources. There are several factors, selected based on the ability to apply them across the organization consistently and clearly that will be considered by the Supervisor and HR prior to approving a remote or hybrid work arrangement.

- In general, job duties that involve analytical work, research, advising, or computer-oriented duties (e.g., data entry, web page design, word processing, programming) may be most appropriate for a remote or hybrid work arrangement.
  - Job duties that are unsuitable to be performed via a remote or hybrid work arrangement include (but are not limited to) duties that require in-person interaction, direct services

to students, families and community; and direct supervision or access to material that cannot leave BUSD property (e.g., protected or confidential data or documents).

- The employee must be able to fully perform the job duties during scheduled hours of work.
- The employee must have a satisfactory or better performance rating and a good attendance record. Employees should not be approved to have an alternate work schedule in response to an inability to get to work on time or consistently.
- Employees should not be approved to work for a remote or hybrid work arrangement so that they are able to provide child care or other caregiving at the same time they are expected to perform their assigned duties.
- Department heads, managers, or supervisors with responsibilities that include direct supervision of staff and departmental operations are generally not appropriate for a remote or hybrid work arrangement.
- Newly hired or probationary employees generally should not be approved for a remote or hybrid work arrangement.
- The type of work that an employee performs is also a factor in determining the appropriateness of approving a remote or hybrid work arrangement.

### 3. PROCESS FOR INITIATING A REMOTE/HYBRID WORK ARRANGEMENT

- A. Employee and supervisor have an initial conversation about desire for remote/hybrid work.
- B. Supervisor reaches out to the HR Leadership to keep them informed for planning purposes
- C. Employee reads and signs the 'Remote Work Policy'.
- D. Supervisor reviews the [remote work application](#) and approves or denies the request.
- E. Supervisor and employee work together to complete a remote work agreement.
- F. Employees and supervisors sign the agreement. All parties keep a copy for their records and also provide a copy to Human Resources.
- G. If applicable, supervisor explores any resulting technology needs.
- H. Employee ensures they have any necessary property before relocating.
- I. Employee and supervisor conduct a review of the agreement every 6 months or upon any changes to the remote work arrangement.

Responsible party	Responsibilities
Employee requesting Remote/Hybrid Agreement	<ul style="list-style-type: none"> <li>● Talk with supervisor to determine eligibility.</li> <li>● Complete the employee eLearning module.</li> <li>● Read and agree to this Remote Work Policy and Remote Work Agreement form.</li> <li>● Fill out a Remote Work Agreement form.</li> <li>● Submit the Remote Work Agreement to supervisor for approval and routing.</li> <li>● Remote work in accordance with approved agreement.</li> <li>● Participate in required biannual review process to assess remote work success.</li> </ul>

Remote/Hybrid Work Manager/Supervisor	<ul style="list-style-type: none"> <li>• Talk with interested employees about eligibility.</li> <li>• Read and understand the Remote Work Policy and Remote Work Agreement form.</li> <li>• Complete training as required by the District.</li> <li>• Review employee's Remote Work Agreement for compliance with policy and approve if agreed.</li> <li>• Send signed agreement to HR@berkeley.net for filing.</li> <li>• Routinely assess employee's responsiveness and performance while remote working, including conducting annual performance evaluation.</li> </ul>
Human Resources Department	<ul style="list-style-type: none"> <li>• Respond to questions about Remote Work policy and eligibility.</li> <li>• Retain approved Remote Work Agreements in an employee's file.</li> </ul>

#### 4. EXPECTATIONS OF EMPLOYEES WITH REMOTE/HYBRID WORK ARRANGEMENTS

Employees are expected to continue complying with all BUSD, as well as department/unit specific, policies and procedures while working remotely (via a remote or hybrid work arrangement) and will continue to be subject to all applicable BUSD policies, procedures, and collective bargaining agreements.

- While working remotely, the employee is responsible for ensuring that all forms of information (paper, electronic and conversations) are kept secure and confidential to at least the same degree as when working at an on-site location. Employees with responsibility for handling Protected Health Information must maintain compliance with the HIPAA information security policies. Additionally, employees responsible for handling protected student information must maintain compliance with the FERPA policies.
- Employees are responsible for maintaining specific remote work hours consistent with departmental needs and requirements, including maintaining remote work sites in a manner free from health or safety hazards that could endanger themselves, their family, or others. If an injury to an employee occurs at the remote work site, the employee is responsible for notifying their manager of the injury in accordance with the District's workers' compensation policy. The District reserves the right to inspect the remote work site. The District is not responsible for any injuries sustained by anyone besides the employee at a remote work location.
- Any individual tax implications related to the remote workspace are the employee's responsibility.
- Remote/hybrid work arrangements that involve any employment outside of California are not allowable. The remote/hybrid work arrangement policy does not permit employment arrangements outside of California. Employees are expected to be available to return to the office if needed at any reasonable time.
- Remote work arrangements can be used in conjunction with flexible schedule arrangements.
- Employees must report sick leave, personal leave, and vacation days as when working at an on-site location.
- Employees working remotely must review their work area and ensure that it is free from tripping, electrical, or other hazards that might pose a danger to employees.

- Home address and contact information, as well as the address of any remote work location, must be kept updated with the human resources department.
- As when working onsite, non-exempt (hourly) remote employees are expected not to work overtime without prior approval from their supervisor. They are also required to take rest and meal breaks in full compliance with federal, state, and local guidelines. If a non-exempt employee is unable to take their rest or meal break, they must notify their manager within one business day.
- Employee vacation and health and personal leave will continue to be based on hours paid during the remote/hybrid work arrangement as per applicable BUSD policies, procedures, and collective bargaining agreements. Requests to take vacation or other time off from work must be pre-approved by a supervisor.
- Employees are expected to maintain a presence with their department/division/school while working via a remote/hybrid work arrangement. Presence may be maintained by using appropriate technology, including (but not limited to) a computer, email, messaging application, video conferencing, instant messaging, Google sheets, and/or text messaging. The employee is expected to maintain the same response times as when working at an on-site location and will make themselves available to attend in-person work meetings as required and/or requested.
- Employees need to have a working telephone or cellphone at their remote location. Those employees who have already migrated to Jabber should ensure that incoming calls to their office phone are forwarded to their remote location phone or mobile phone.
- Employees are expected to arrange for child/dependent care as necessary for the hours in which the employee works from home. Personal tasks and errands should only be performed during the employee's scheduled breaks and lunches.

## **5. EFFECTIVE DATE**

This policy goes into effect **xxxx** 1, 2022.