

# CAPS PROPOSAL

Bargaining Unit: 10

Date: August

12, 2021; 11:19AM

Exclusive Representative: CAPS

Article: 7

Subject: Hours of Work and Overtime

## 7.10 Telecommute/Telework Program

Appropriately planned and managed, telework is a viable work option that can benefit managers and employees of the state of California. Telework, which is called "telecommuting" in statute, is an important means by which the state can help reduce air pollution, traffic and parking congestion, high costs of commuting, and demand for office space and reduction of associated costs office expenses to the state. It is the policy of the state of California to encourage the use of teleworking as a work option.

- A. Where operational considerations permit, a department may establish a telework program. If the telework arrangement conforms to telework criteria established in the department's telework policy and guidelines, no employee's request for telework shall be unreasonably denied. Such programs shall operate within the policies, procedures, and guidelines established by the Telework Advisory Group. Each department shall establish, implement, and maintain a Telework Program. The Program shall be in writing and distributed to all employees. Such programs shall operate within the policies, procedures, and guidelines established by the 2010 Statewide Telework Model Program.
- B. Formal written telework or telecommuting policies and programs already adopted by departments before the date of this Contract will remain in effect during the term of this Contract. If the provisions of any departmental telework or telecommuting policies and programs are in conflict with the provisions of this Contract, this Contract shall be controlling. Upon the request of the Union, the departments will provide a copy of their formal written telework policy.
- C. Departments that desire to establish a telework or telecommuting policy and/or program or departments desiring to change an existing policy and/or program shall first notify the Union. Within thirty (30) calendar days of the date of such notification, the Union may request to meet-and-confer over the impact of a telework or telecommuting policy and/or program or change in an existing telework or telecommuting policy and/or program.
- D. The terms "telework," "teleworking," "telecommute," and "telecommuting" are defined as a work flexibility arrangement established between the department management and the employee under which the employee performs the duties and responsibilities of the employee's position, and other authorized activities, from a location other than the office. The term "office" refers to the location, state building, or official worksite that would be the employee's work location if not teleworking. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an alternate work location(s).

- E. Unit 10 positions and position duties identified by Departments as not viable for telework are subject to an appeal process, in accordance with timeframes outlined in Article 9 of this Contract.
- F. The Telework Agreement is a formal document prepared and signed by the teleworker and supervisor. The Telework Agreement provides the framework for the discussion about the general expectations that need to take place between the supervisor and employee in order to telework effectively.
- G. If the employee-proposed Telework Agreement conforms to telework criteria established in the department's telework policy and guidelines, no employee's request for telework shall be unreasonably denied.
- H. Employee's requests for telework shall be replied to in writing within twenty-one (21) calendar days of submission. The parties may mutually agree to extend this response period.
- I. Entering into a Telework Agreement shall be voluntary on the part of the Unit 10 employee.
- J. Department management shall provide employee 30 days' notice in the event of a revision or termination of a Telework Agreement.
- K. Reimbursement to Unit 10 employees for internet expenses related to telework and any other business expenses shall be evaluated in accordance with existing applicable policies, laws and standards. Other business expenses may include, but are not limited to printers, scanners, desks, desk chairs, expanded communications services and equipment.
- L. Upon the request of the employee, the State shall provide an ergonomic evaluation of the employee's teleworking workstation by a trained evaluator. The State shall take action as it deems necessary to make ergonomic equipment available to all employees.
- M. The proper method for a violation of the terms of this section shall be via grievance pursuant to Article 9 of the CAPS MOU.
- N. Upon written request, representatives of CalHR will meet with CAPS to discuss improvements to the 2010 Statewide Telework Model Program. Union representatives shall serve without loss of state compensation for this meeting(s).