



Board of Directors Agenda Special Meeting
Tuesday, March 31, 2020 at 1:00 PM
Valley Sanitary District Board Room, 45-500 Van Buren Street

*******SPECIAL NOTICE – Telephonic Accessibility*******

Pursuant to Paragraph 11 of Executive Order N-25-20, executed by the Governor of California on March 12, 2020, as a response to mitigating the spread of coronavirus known as COVID-19, during the March 31, 2020, special meeting of Valley Sanitary District Board of Directors members of the public will be allowed to attend and address the Board of Directors during the open session of the meeting telephonically.

Members of the public wanting to listen to the open session of the meeting may do so by calling (425) 436-6376 and when prompted, enter access code 166514. Members of the public wanting to address the Board, either during public comment or for a specific agenda item, or both, are requested to send an email notification no later than 12:30 p.m. on the day of the meeting to the Valley Sanitary District’s Clerk of the Board at hevans@valley-sanitary.org.

Page

1. CALL TO ORDER

- 1.1. Roll Call
- 1.2. Pledge of Allegiance

2. PUBLIC COMMENT

This is the time set aside for public comment on any item not appearing on the agenda. Please notify the Secretary in advance of the meeting if you wish to speak on a non-hearing item.

3. CONSENT CALENDAR

Consent calendar items are expected to be routine and noncontroversial, to be acted upon by the Board of Directors at one time, without discussion. If any Board member requests that an item be removed from the consent calendar, it will be removed so that it may be acted upon separately.

4. NON-HEARING ITEMS

- | | | |
|------|---|---------|
| 4.1. | Adopt Resolution 2020-1127 Establishing Designation of VSD's Authorized Agents
4.1 Staff Report Resolution for CalOES Reimbursement.pdf
4.1 Attachment A 006-Cal OES 130.pdf
4.1 Attachment B FEMA Form 009-0-49 RPA 508 FINAL.pdf | 3 - 6 |
| 4.2. | Adopt the VSD Emergency Administration Leave Policy: COVID-19 to be Effective Retroactive to March 27, 2020
4.2 Staff Report Admin Leave Policy.pdf
4.2 Attachment A Emergency Admin Leave Policy 03272020.pdf
4.2 Attachment B Memo COVID-19 Alternative Shifts.pdf | 7 - 13 |
| 4.3. | Adopt VSD Emergency Telecommuting Policy to be Effective Retroactive to March 23, 2020
4.3 Staff Report Telecommunity Policy.pdf
4.3 Attachment A Emergency Telecommuting Policy.pdf | 14 - 20 |

5. GENERAL MANAGER'S ITEMS

Director's items not listed are for discussion only; no action will be taken without an urgency vote pursuant to State law.

- 5.1. Oral Update on COVID-19 and Potential Direction from Board

6. DIRECTOR'S ITEMS

7. INFORMATIONAL ITEMS

8. ADJOURNMENT

Pursuant to the Brown Act, items may not be added to this agenda unless the Secretary to the Board has at least 72 hours advance notice prior to the time and date posted on this notice.



Valley Sanitary District
Board of Directors Meeting
March 31, 2020

TO: Board of Directors

THROUGH: Beverli A. Marshall, General Manager

SUBJECT: Adopt a Resolution Establishing Designation of Valley Sanitary District’s Authorized Agents – CalOES Form 130

<input checked="" type="checkbox"/> Board Action	<input type="checkbox"/> New expenditure request	<input type="checkbox"/> Contract Award
<input type="checkbox"/> Board Information	<input type="checkbox"/> Existing FY Approved Budget	<input type="checkbox"/> Closed Session

Executive Summary

The purpose of this report is for the Board of Directors to review and discuss the CalOES Form 130 Resolution and District’s Authorized Agents.

Fiscal Impact

This Resolution is necessary for the District to recover approximate funds expended to manage and respond to the current COVID-19 virus as well as any other qualifying emergencies that might take place over the next three years.

Background

Staff will be applying for FEMA federal funding assistance for expenses related to the current COVID-19 virus pandemic. In order to receive reimbursement for this emergency work, there are three CalOES forms that need to be completed and returned to CalOES. One of the forms, CalOES form 130 (Attachment A) is a resolution establishing the designation of Valley Sanitary District’s authorized agents that needs to be adopted by the Board of Directors and certified by the Clerk of the Board.

Recommendation

It is recommended that the Board of Directors adopt CalOES Resolution Form 130 establishing the General Manager, District Engineer, and Administration & Finance Manager be authorized agents for the reimbursement of funds for expenses related to the COVID-19 virus pandemic and any other emergencies that might occur in the next three years.

Attachments

- Attachment A: CalOES Resolution No. 130
- Attachment B: FEMA Form – Request for Public Assistance

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE Board of Directors OF THE Valley Sanitary District
(Governing Body) (Name of Applicant)

THAT Beverli A. Marshall, OR
(Title of Authorized Agent)

Ronald Buchwald, OR
(Title of Authorized Agent)

Joanne Padgham
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the Valley Sanitary District, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the Valley Sanitary District, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20 _____

Mike Duran, President
(Name and Title of Governing Body Representative)

Scott Sear, Vice President
(Name and Title of Governing Body Representative)

Debra Canero, Secretary
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Holly Gould, duly appointed and Clerk of the Board of
(Name) (Title)

Valley Sanitary District, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the Board of Directors of the Valley Sanitary District
(Governing Body) (Name of Applicant)

on the _____ day of _____, 2020.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
REQUEST FOR PUBLIC ASSISTANCE

OMB Control Number 1660-0017
Expires December 31, 2019

Paperwork Burden Disclosure Notice

Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) **NOTE: Do not send your completed form to this address.**

Privacy Act Statement

Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427, 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration," 44 C.F.R. §§ 206.202, and 206.209.

APPLICANT (Political subdivision or eligible applicant)	DATE SUBMITTED
COUNTY (Location of Damages. If located in multiple counties, please indicate)	

APPLICANT PHYSICAL LOCATION

STREET ADDRESS			
CITY	COUNTY	STATE	ZIP CODE

MAILING ADDRESS (If different from Physical Location)

STREET ADDRESS			
POST OFFICE BOX	CITY	STATE	ZIP CODE

Primary Contact/Applicant's Authorized Agent

Alternate Contact

NAME	NAME
TITLE	TITLE
BUSINESS PHONE	BUSINESS PHONE
FAX NUMBER	FAX NUMBER
HOME PHONE (Optional)	HOME PHONE (Optional)
CELL PHONE	CELL PHONE
E-MAIL ADDRESS	E-MAIL ADDRESS
PAGER & PIN NUMBER	PAGER & PIN NUMBER

Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? YES NO

Private Non-Profit Organization? YES NO

If yes, which of the facilities identified below best describe your organization? _____

Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."

Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.

OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - _____ FIPS# _____ DATE RECEIVED _____



Valley Sanitary District
Board of Directors Meeting
March 31, 2020

TO: Board of Directors
THROUGH: Beverli A. Marshall, General Manager
SUBJECT: **Adopt the Emergency Administrative Leave Policy: COVID-19 Effective Retroactively to March 27, 2020**

<input checked="" type="checkbox"/> Board Action	<input checked="" type="checkbox"/> New expenditure request	<input type="checkbox"/> Contract Award
<input type="checkbox"/> Board Information	<input type="checkbox"/> Existing FY Approved Budget	<input type="checkbox"/> Closed Session

Executive Summary

The purpose of this report is for the Board of Directors to discuss the need for emergency leave related to the COVID-19 virus pandemic.

Fiscal Impact

The cost of this leave is not known at this time but is potentially \$100,000 for the remainder of the “stay at home” directive period.

Background

On March 27, 2020, the General Manager issued a directive that all staff will work alternative schedules in response to the COVID-19 virus pandemic. Staff was split into two teams, Team A and Team B, and work one week on and one week off. This is consistent with how other similar agencies that are providing essential services.

The Team that is not at work must be available and will be paid Emergency Administrative Leave per the terms of the policy. This Policy has an economic impact and commits District funds in excess of the General Manager’s authority. This requires that the Board adopt the policy and approve the expenditure of funds. Staff anticipates that VSD will submit a request to CalOES/FEMA for emergency expenditure reimbursement.

Recommendation

Staff recommends that the Board of Directors adopt the Emergency Administration Leave Policy as presented retroactive to March 27, 2020.

Attachments

- Attachment A: Emergency Administrative Leave Policy
- Attachment B: General Manager’s Memorandum dated March 27, 2020



EMERGENCY ADMINISTRATIVE LEAVE POLICY: COVID-19

Effective Date: March 27, 2020

Adopted: __/__/2020

On or about March 4, 2020, Governor Newsom Declared a State of Emergency in California and on March 12, 2020 signed Executive Order N-25-20 to formalize state actions to limit the spread and manage certain impacts of a Novel Coronavirus disease also known as COVID-19.

As events have unfolded, additional measures to contain and slow the spread of the virus have been ordered by federal, state or county health officials. The Valley Sanitary District (“District”) is continuing to monitor reports from federal, state, and county health organizations to receive the most current information and requirements and relay it to staff in a timely manner.

This State of Emergency has highlighted the District’s need for an Emergency Administrative Leave (“EAL”) policy to provide flexibility in scheduling and addressing absences necessitated by a Major Public Disaster, in this case the COVID-19 pandemic. This policy is intended to provide EAL as a benefit to employees and set out terms of its usage.

Government Code 3100 mandates that “all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.”

I. **PURPOSE**

During a Major Public Disaster, such as the COVID-19 event, the District may experience situations where employees are impacted by unavailability, voluntary self-quarantine protocols due to exposure, experiencing symptoms, school closures which prompt childcare needs, or, a positive test result for the illness itself. It is possible that State and County health officials may also enact a mandatory quarantine or shelter in place orders for an area, which could result in temporary modifications to how the District staffs its various functions.

This policy is intended to be protective of staff and the general public welfare. By implementing these measures, the District can facilitate sufficient employee leave to comply with recommended public health related voluntary or mandatory isolation measures when appropriate, as well as mandatory quarantine or shelter in place directives that may impact the ability of an employee to come to work. This policy will

also authorize pay provisions for essential employees in order to maintain essential operations.

II. POLICY

VSD strives to be prepared for catastrophic events that may force shutdown, or partial shutdown, of operations. This policy grants discretionary access to up to 10 days (defined with a value of the affected employee's average shift) of Emergency Administrative Leave ("EAL") to cover employee absences due to work unavailability because of a Major Public Disaster. Understanding that the provision of some basic services may require some level of skeletal or flex staffing, the General Manager is authorized to provide EAL on an intermittent or staggered basis.

EAL may be provided increments consistent with other leaves provided pursuant to VSD's policies. Unused EAL does not carry over year to year and is not paid out upon termination of employment.

Note: The leave provided in this policy shall be counted toward the satisfaction of any paid leave required by law in response to the Major Natural Disaster, including but not limited to paid leave required to address the 2020 COVID-19 pandemic. Legal mandates shall supersede this policy.

III. PROCEDURE

- a. VSD District will provide up to two work weeks of EAL for illness-related absences associated with the Major Public Disaster. Related absences may include:
 - If an employee is unable to work due to protective isolation of an identified at-risk category or is showing signs of being ill, an employee shall voluntarily self-quarantine and stay home to avoid possible spread of the illness.
 - If an employee has been exposed to the illness or is in an identified at-risk category, the District expects that the employee would follow quarantine guidelines as applied by public health authorities, regardless of whether they are symptomatic.
 - Employees who are well but who have a family or household member at home with presumptive or confirmed illness, should also follow the same quarantine guidelines.
 - If there are school or daycare closures and employees need to provide childcare for young children, or employees who need to care for elderly family members who are isolated in conformance with public health guidance during the COVID-19 pandemic.
 - If an employee has tested positive for the illness.

- b. It is anticipated that a mandatory quarantine or shelter in place order could temporarily limit the ability to travel outside the home, with certain exemptions including the provision of essential public services. While the District's function would be deemed essential, not all positions would be considered essential for a short-term situation, and staff required to report for duty would be temporarily adjusted. In the event of limited operations, or mandated reduction in nonessential staff causing the District to temporarily send employees home, the District will pay the employees regular salary in the form of Administrative Leave.
 - Employees who are sent home need to make themselves available to return to work when requested.
 - The District may establish a rotation of staff that are either on duty or on temporary administrative leave to assure continuity of service.
- c. VSD will address employee needs for COVID-19 absences beyond the EAL on a case by case basis.
- d. VSD will work with the State of California Disability Insurance Program through the EDD to coordinate disability benefits for those employees who qualify. There may also be other COVID-19 pandemic related relief from the state or federal government in the future. The District will coordinate to extent feasible with other illness-related relief provided by state or federal emergency orders or legislative actions.
- e. In addition to health benefits coverage provided for full-time employees, VSD participates in the Family/Medical Leave Act (FMLA) and has a policy for Catastrophic Leave.
- f. FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. Employees can take up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.
- g. **Pay for Essential Services Performed During Limited Operations**
If employees are unable to work because of a Major Public Disaster, certain employees must continue to provide services during the event. This means that some employees may be required to work during limited operations, when other non-essential employees have been temporarily released from duty and placed on paid administrative leave. In addition, employees may be directed to work an extraordinary number of hours above and beyond their regular schedules on responsibilities associated with the event.

Public employees will be asked to perform essential services in order to promote and maintain public health and safety. Employees may be required to come to work, if able to do so, at any time of day to perform essential, emergency or disaster related

duties. These duties may not be part of an employee's regular duties and may not be at the regular work location. Employees responsibilities may continue into the recovery phase of event and may be organized into daily or hourly shifts that are different from employees' regular hours.

Essential employees will continue to be paid as they normally would (including overtime or compensatory time, premiums or other special pays, etc.). If essential employees are required to perform duties outside the scope of their classifications, they may be eligible for additional pay if the duties are associated with those of a higher paying classification and the conditions are met.

IV. **DEFINITIONS**

As used in this policy, the following words and phrases shall have the following meaning.

Major Public Disaster: an incident that is of the severity and magnitude that effective response is beyond the capability of the state or affected local governments. In order to qualify as a Major Public Disaster under this policy, the event must have caused a governmental authority, such as the Governor of California or the President of the United States, to declare a formal state of emergency. This definition shall be interpreted consistently with 44 CFR § 206.2(a)(17), which includes events such as hurricane, tornado, tsunami, earthquake, volcanic eruption, or pandemic.

Qualifying Circumstances: circumstances that meet the following criteria.

- A Major Public Disaster has caused or could cause the unavoidable closure of all or part of VSD's operations in a manner that could result in layoff or furlough. Circumstances causing such closure include but are not limited to (1) destruction or severe damage of VSD's facilities or infrastructure; (2) inability or severe difficulty accessing VSD's facilities due to destruction or damage of transportation corridors; or (3) unavailability of sufficient personnel to operate the affected facility or department because of illness or injury associated with the Major Public Disaster.
- The General Manager has adopted an Emergency Operations Plan that utilizes EAL in a manner to (1) best serve VSD's operations; (2) address public health or safety concerns associated with the Major Public Disaster; (3) maintain necessary staffing while limiting the need for permanent layoffs or furloughs; and (4) best maintain the VSD's ability to resume full operations and services when possible.
- The intended employee's workload has been severely affected by the Major Public Disaster such that the employee is either unable to report to work or there is insufficient work within the relevant department or facility to warrant full staffing.
- The intended employee-recipient of the EAL is either not eligible for another paid leave (such as sick leave) or has exhausted all available accruals.



MEMORANDUM

To: All Employees
 From: Beverli A. Marshall, General Manager *BAM*
 Date: March 27, 2020
 Re: COVID-19 Alternate Work Shifts

All,

Due to the National Emergency declared in response to the COVID-19 (commonly referred to as Coronavirus), the District is undertaking enhanced measures to ensure the safety and health of its staff. We are closely monitoring and analyzing developments as they are communicated by the Center of Disease Control and the Department of Health and Human Services.

Effective immediately, all vacation and planned time off, except for leave that falls under FMLA/CFRA/COVID-19 Sick Leave, is cancelled. The District has suspended the 9/80 work week and employees will work 8-hour shifts. Operations (except designated lone Operators), Maintenance, and Collection staff will work from 6:00 a.m. until 2:30 p.m. with a 30-minute unpaid break. Laboratory staff will work from 7:00 a.m. until 3:30 p.m. with a 30-minute unpaid break. Engineering and Administrative Services staff will work 8:00 a.m. until 5:00 p.m. with a 60-minute unpaid break.

All staff, except Engineering, Administrative Services, and the designated lone Operators (Scott and Kenny), have been divided into two teams and will work alternate schedules as follows:

Team A				Team B			
Collection	Operations	Maintenance	Laboratory	Collection	Operations	Maintenance	Laboratory
Tito	Andy	Ryan	Lorraine	Nick	Ian	Tino	Anna
Grant	James	Jimmy		Joey	Austin	Daniel	
Marin		Ed				Brian	

Employees who are “off work” on the schedule will be on-call and must be ready, willing, and able to report to work if called. As public employees, we are mandated to be available as

disaster service workers should the need arise (Gov. Code 3100). If it becomes necessary to call an employee back to work, the employee must report to work within one hour.

If a team member is diagnosed with COVID-19 and has exposed their team to COVID-19, the District will follow the directives of the health officials overseeing the infected employee. If the health officials require the team that has been exposed to be sent home, then the members of the remaining team will be called back to work and return on a full-time basis, eliminating the alternate work week until the team that was exposed is cleared to return to work.

After completing their one-week work schedule, all employees are required to use disinfecting wipes to clean off their computer, workstation, cell phone, and vehicle and all “touch” surfaces they have come in contact with before leaving for the week.

A specific job code will be established, which the employee will enter when completing their timecard for the week they are out of the office.

If during the alternate week that the employee is out of the office the employee schedules a doctor’s appointment or other extracurricular event, and is not available to report to work within one hour when called, the employee must make a formal request for the time off which will be charged to the employee as vacation time, personal leave, comp time, etc.

If you have any questions or require further clarification, please do not hesitate to contact your department manager or me.

We appreciate your cooperation and earnest efforts during this time. Thank you.



Valley Sanitary District
Board of Directors Meeting
March 31, 2020

TO: Board of Directors

THROUGH: Beverli A. Marshall, General Manager

SUBJECT: Adopt the Emergency Telecommuting Policy Effective Retroactive to March 23, 2020

<input checked="" type="checkbox"/> Board Action	<input type="checkbox"/> New expenditure request	<input type="checkbox"/> Contract Award
<input type="checkbox"/> Board Information	<input type="checkbox"/> Existing FY Approved Budget	<input type="checkbox"/> Closed Session

Executive Summary

The purpose of this report is for the Board of Directors to discuss the need for an emergency telecommuting policy due to the COVID-19 virus pandemic.

Fiscal Impact

There is minimal cost for implementing this policy. VSD has purchased two laptop computers for the use of staff who do not have access to one during their telecommute assignment.

Background

On or about March 4, 2020, Governor Newsom Declared a State of Emergency in California and on March 12, 2020 signed Executive Order N-25-20 to formalize state actions to limit the spread and manage certain impacts of a Novel Coronavirus disease also known as COVID-19.

As events have unfolded, additional measures to contain and slow the spread of the virus have been ordered by federal, state or county health officials. On March 20, 2020, the General Manager notified employees that are in an at-risk group that they could participate in a telecommute arrangement. This is consistent with other similar agencies that are providing essential services. Four employees are taking advantage of this option.

In order to codify this arrangement, Liebert Cassidy Whitmore advises that agencies should adopt a policy (they provided a boilerplate policy) to define the terms and conditions (Attachment A). Staff anticipates that VSD will submit a request to CalOES/FEMA for reimbursement for related expenses.

Recommendation

Staff recommends that the Board of Directors adopt the Emergency Telecommuting Policy as presented retroactive to March 23, 2020.

Attachments

Attachment A: Emergency Telecommuting Policy



VSD

EMERGENCY TELECOMMUTING POLICY

Effective Date: March 23, 2020

Adopted: __/__/2020

I. **PURPOSE**

The purpose of the Emergency Telecommuting Policy is to ensure that essential VSD functions continue to be performed at an alternative location during the disruption of normal operations. VSD will implement this Policy in keeping with the mission of VSD and the respective department. This Policy is an emergency policy and the General Manager has discretion to withdraw the Policy if deemed necessary.

II. **POLICY**

The General Manager shall designate and authorize specific times in which an Emergency Telecommuting Agreement (“ETA”) shall apply. Any ETA is subject to the terms and conditions set forth in this Policy below.

Any breach of the ETA by the employee may result in termination of the ETA and/or disciplinary action, up to and including termination of employment.

III. **PROCEDURES**

Telecommuting is not suitable for all employees or positions. The General Manager has the discretion to determine the employees and positions who may telecommute on an emergency basis utilizing criteria that includes, but is not limited to:

- The operational needs of the employee’s department and VSD;
- The potential for disruption to VSD’s functions;
- The ability of the employee to perform his or her specific job duties from a location separate from his or her VSD worksite without diminishing the quantity or quality of the work performed;
- The degree of face-to-face interaction with other VSD employees and the public that the employee’s position requires;
- The portability of the employee’s work;
- The ability to create a functional, reliable, safe, and secure Alternate worksite for the employee at a reasonable cost;
- The risk factors associated with performing the employee’s job duties from a location separate from his or her VSD worksite;

- The ability to measure the employee's work performance from a location separate from his or her VSD worksite;
- The employee's supervisory responsibilities;
- The employee's need for supervision;
- Other considerations deemed necessary and appropriate by the employee's immediate supervisor, Department Head, and the Administration & Finance Manager.

Any telecommute assignment must meet the following conditions.

- Any ETA is only valid for the time period specified in the agreement. The ETA is invalid after this time unless VSD approves an extension in writing. VSD may, in its discretion, decide to terminate the ETA earlier.
- Employee acknowledges and agrees that the ETA is temporary and subject to the discretion of management. Telecommuting will be approved on a case-by-case basis consistent with the eligibility criteria above.
- Non-exempt employees who receive overtime shall be assigned a schedule ("schedule") in the ETA, including rest and meal breaks. Any deviation from this schedule must be approved in advance, in writing, by management. Non-exempt employees must take meal and rest breaks while telecommuting, just as they would if they were reporting to work at their VSD worksite. Non-exempt employees may not telecommute outside their normal work hours without prior written authorization from their supervisor. A non-exempt employee who fails to secure written authorization before telecommuting outside his or her normal work hours may face discipline in accordance with VSD's policy for working unauthorized overtime.
- Telecommuting employees are required to be accessible in the same manner as if they are working at their VSD worksite during the established telecommuting Schedule, regardless of the designated location for telecommuting. Employees must be accessible via telephone, email, and/or network access to their supervisor and other VSD employees while telecommuting, as if working at their VSD worksite. Employees shall check their VSD-related business phone messages and emails on a consistent basis, as if working at their VSD worksite.
- Employees shall work on a full-time basis, according to the Schedule. Employees are required to maintain an accurate record of all hours worked at the alternate worksite and make that record available to his or her supervisor upon request. Employees shall record all non-productive work time on their timesheet.
- While telecommuting, employees shall adhere to the following:
 1. Be available to the department via telephone and/or email during all ETA designated work hours.

2. Ensure that the alternate worksite is quiet and free of distractions, with reliable and secure internet and/or wireless access.
3. All periods of employees' unavailability must be approved in advance by management in accordance with department policy and documented on the appropriate leave of absence slip.
4. Employees shall ensure dependent care will not interfere with work responsibilities.
5. Employees must notify their supervisor promptly when unable to perform work assignments because of equipment failure or other unforeseen circumstances.
6. If VSD has provided VSD owned equipment, employees agree to follow VSD's Policy for the use of such equipment. Employees will report to their supervisor any loss, damage, or unauthorized access to VSD owned equipment, immediately upon discovery of such loss, damage, or unauthorized access.

Employees must adhere to the provisions set forth in this Policy and the terms of the ETA. Any deviation from the ETA requires prior written approval from VSD.

- All existing duties, obligations, responsibilities and conditions of employment remain unchanged. Telecommuting employees are expected to abide by all VSD and departmental policies and procedures, rules and regulations, applicable Memoranda of Understanding, and all other official VSD documents and directives.
- Employees authorized to perform work at an alternate worksite must meet the same standards of performance and professionalism expected of VSD employees in terms of job responsibilities, work product, timeliness of assignments, and contact with other VSD employees and the public.
- Employees shall ensure that all official VSD documents are retained and maintained according to the normal operating procedures in the same manner as if working at a VSD worksite.
- Employees may receive approval to use personal computer equipment or be provided with VSD issued equipment at the discretion of the General Manager.
- VSD shall not be responsible for costs associated with the use of computer and/or cellular equipment, including energy, data or maintenance costs, network costs, home maintenance, home workspace furniture, ergonomic equipment, liability for third party claims, or any other incidental costs (*e.g.*, utilities associated with the employee's telecommuting).

- Employees may receive a VPN account, as approved by the General Manager.
- Employees shall continue to abide by practices, policies and procedures for requests of sick, vacation and other leaves of absences. Requests to work overtime, declare vacation or take other time off from work must be pre-approved in writing by each employee's supervisor. If an employee becomes ill while working under an ETA, they shall notify their supervisor immediately and record on their timesheet any hours not worked due to incapacitation.
- Employees must take reasonable precautions to ensure their devices (*e.g.*, computers, laptops, tablets, smart phones, etc.) are secure before connecting remotely to VSD's network and must close or secure all connections to VSD desktop or system resources (*e.g.*, remote desktop, VPN connections, etc.) when not conducting work for VSD. Employees must maintain adequate firewall and security protection on all such devices used to conduct VSD work from the alternate worksite.
- Employees shall exercise the same precautions to safeguard electronic and paper information, protect confidentiality, and adhere to VSD's records retention policies, especially as it pertains to the Public Records Act. Employees must safeguard all sensitive and confidential information (both on paper and in electronic form) relating to VSD work they access from the alternate worksite or transport from their VSD worksite to the alternate worksite. Employees must also take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access from the alternate worksite or transport from their VSD worksite to the Alternate worksite. Employees must return all records, documents, and correspondence to VSD at the termination of the ETA or upon request by their supervisor, manager, or the Administrative & Finance Manager.
- Employees' salary and benefits remain unchanged. Workers' Compensation benefits will apply only to injuries arising out of and in the course of employment as defined by Workers' Compensation law. Employees must report any such work-related injuries to their supervisor immediately. VSD shall not be responsible for injuries or property damage unrelated to such work activities, including injuries to third persons when said injuries occur at the alternate worksite.
- All of Employees' existing supervisory relationships, lines of authority and supervisory practices remain in effect. Prior to the approval of the ETA, supervisors and employees shall agree upon a reasonable set of goals and objectives to be accomplished. Supervisors shall use reasonable means to ensure that timelines are adhered to and that goals and objectives are achieved.

IV. DEFINITIONS

As used in this policy, the following words and phrases shall have the following meaning.

Alternate worksite: the designated location for telecommuting.

ETA: an emergency telecommuting agreement between VSD and an employee.

Non-exempt employee: an employee that is not exempt from the FLSA for the purpose of calculating overtime.

VPN: a virtual private network for connecting to the District server and accessing District data.

Work schedule: the schedule that is established for the purpose of the ETA and includes rest and meal breaks.