



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 24, 2014

Title	Agenda Item Type
AOC Restructuring: Policy 8.9, Working Remotely (Telecommuting) Pilot Program: One-Year Update	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 24, 2014
Recommended by	Date of Report
Steven Jahr Administrative Director of the Courts	March 20, 2014
	Contact
	Kenneth R. Couch, 415-865-4271 kenneth.couch@jud.ca.gov
	Michael Guevara, 415-865-7586 michael.guevara@jud.ca.gov

Executive Summary

Recognizing the benefits of telecommute programs, legislation at the federal level and in the state of California encourages telecommute programs for government employees in positions where telecommuting is viable.¹

The Administrative Director of the Courts recommends that the Judicial Council consider and select one of four options concerning telecommuting for employees of the Administrative Office of the Courts (AOC).

Recommendation

The options presented for consideration by the Judicial Council are as follows:

1. Approve the pilot program as a regular telecommute program, with the current additional controls for approving, monitoring, and rescinding participation;

¹ U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012), and California Government Code section 14200.1.

2. Extend the current pilot telecommute program an additional year;
3. Eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or
4. Eliminate all forms of telecommuting.

The Administrative Director of the Courts recommends that the Judicial Council approve Option 1: to remove the pilot restriction from the program and retain the additional controls put in place by the Executive Office. These additional controls are as follows:

- Employees who serve in a lead capacity may not participate in the remote work program on a regularly scheduled basis (managers and supervisors were already precluded from participating);
- Employees working part time may not participate in the remote work program on a regularly scheduled basis;
- Employees requiring general supervision may not participate in the remote work program on a regularly scheduled basis;
- The Administrative Director has the discretion to suspend the use of regular and ad hoc remote work assignments at any time;
- Renewals must be made annually and approved by the Administrative Director before the commencement of the remote work schedule; and
- At the conclusion of the classification and compensation study, the Human Resources Services Office (HRSO) will conduct an additional review of participation to ensure consistency with any recommendations made as a result of the study.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director to ensure that the AOC was consistently adhering to its existing policy on telecommuting (working remotely) (Policy 8.9, *AOC Personnel Policies and Procedures*; Attachment A), and to identify and correct any deviation from or violation of the existing policy.

On December 14, 2012, the council further directed the Administrative Director to review the original policy and make recommendations on any proposed amendments.

The council subsequently asked the Administrative Director to consider alternatives to telecommuting, including whether telecommuting should be eliminated, and to return with a report and recommendations for council consideration at its February 2013 meeting.

In the February 2013 report (Attachment B), the Judicial Council was presented with and considered the following options:

1. To eliminate all forms of telecommuting;
2. To eliminate regular telecommuting and allow only limited, ad hoc telecommuting under special circumstances; or

3. To permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The council approved Option 3 as a 12-month pilot program. The program was implemented, allowing employees authorized by the Administrative Director to work remotely when consistent with business needs and the employee's job functions. As a part of the pilot program, the council also approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, in the event of unforeseen business or personal needs (Pilot Telecommute Program Policy; Attachment C).

The council requested that an interim report on program implementation be prepared for the Executive and Planning Committee after six months (Attachment D), and a full report after one year, to enable the council to identify a course of action.

Rationale for Recommendation

Following council approval of the pilot program, the Executive Office added the additional controls to ensure consistent and equitable application of the policy. With these controls in place, and based on the monitoring process implemented, the AOC has demonstrated that a remote work program can be effectively and efficiently implemented in a manner that supports employees in the performance of their duties without any negative impacts on customers or colleagues. A summary of the changes to the policy is provided in Attachment E.

The regular program

Defined eligibility requirements for regularly scheduled remote work. The original telecommute policy allowed for up to eight days of telecommuting per month, and provided each office leader with discretion to make exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the program, representing a total of 454 remote work days per month.

Under the pilot program initiated in 2013, a structural control limiting telecommuting to one day per week was established to address any question of a diminution in service to customers. The Executive Office determined that in addition to management staff, part-time employees, employees acting in a senior or lead capacity, and employees requiring general supervision would not be permitted to participate because the primary essential duties of their positions required their on-site presence at the workplace.

Exactly 109 applications were received. Using the revised criteria for participation, 69 employees were approved to telecommute regularly one day per week. The current number of employees participating in the program has dropped from the original 69 to 65, for a total of 260 remote workdays per month. This figure represents a 33 percent reduction in the number of participants from 2012, and a 42 percent reduction in the total number of telecommute days per month.

Approximately 40 percent of applications were denied. Unsuccessful applicants were informed of the reasons for denial. Additional information concerning eligibility was communicated to all employees.

Table 1 reflects changes in the number of telecommuting employees since 2012.

Table 1. Change in Number of Telecommuting Employees

Office	2012 Participation	Days per Month	2013–2014 Pilot Program Participation	Days per Month
Center for Families, Children & the Courts	28	104	17	68
Center for Judiciary Education and Research	12	54	8	32
Court Operations Special Services Office	17	80	3	12
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	15	60
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	5	20
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaison Office	0	0	2	8
Total	98	454	65	260

Note: Offices without employees participating in regularly scheduled telecommuting are not included.

Use of work logs. The original telecommute policy did not require work logs. The pilot program does. The work log lists the duties performed and work produced while an employee works remotely. Under the pilot program, work logs are submitted to the employee’s supervisor for review and approval, and subsequently to the Human Resources Services Office (HRSO). Work logs are audited by the HRSO to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day’s work and consistent with the pilot program.

The most common remote tasks reported include:

- Reviewing documents and researching and analyzing data (project-based work, legal research, and data collection);
- Preparing projects (presentations, timeline development, and curriculum development);
- Responding to communications (e-mail and phone);
- Participating in conference calls;
- Writing and editing reports; and
- Performing duties specific to particular offices and positions.

HRSO contacts individual supervisors with questions or concerns regarding the content of the work log or the duties/tasks performed. Commonly asked questions are as follows:

1. Is the nature of work consistent with the business needs of the AOC?
2. Is the employee effectively managing time?
3. Is the employee's work satisfactory and timely?
4. Has there been a reduction in quantity of work produced?

Supervisors and managers with participants in the pilot program reported satisfaction with both the quality and the quantity of work carried out during the remote work periods. Work logs have been effective in supporting program monitoring and adherence to high service standards.

The ad hoc program

Tracking and reporting. The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. It is available only to employees who do not participate in the regular pilot telecommute program.

Before the pilot program, instances of ad hoc telecommuting were not accounted for, and the AOC lacked a methodology to assess and determine usage. There were no restrictions on the number of ad hoc days an employee could be approved to take, effectively creating a situation that could be employed to distort the original regular telecommuting rule. According to the SEC report, this freedom led to instances in which some employees worked in their AOC offices only infrequently. Regular telecommute program participants could also seek additional telecommute days through the ad hoc process. Since the pilot program was established, HRSO receives monthly ad hoc telecommuting data from each office and reviews it for trends or areas of concern. Table 2 below details the use of ad hoc telecommuting, by office, between March 2013 and January 2014.

Table 2. Ad Hoc Telecommuting, by Office

Office	Average Usage per Month (Days)	Total Days
Information Technology Services Office	6.1	67
Center for Families, Children & the Courts	6.1	68
Center for Judiciary Education and Research	4.5	49
Trial Court Administrative Services Office	7.1	78
Court Operations Special Services Office	3.1	34
Legal Services Office	2.9	32
Human Resources Services Office	3.1	35
Trial Court Liaison Office	1.1	12
Criminal Justice Court Services Office	0.5	5
Internal Audit Services	0.2	2
Fiscal Services Office	0.5	6
Judicial Council Support Services	0.2	2
Office of Real Estate and Facilities Management	0.5	5
Executive Office	0.1	1
Total	36	396

Note: Offices that did not have employees telecommuting on an ad hoc basis are not included.

The average ad hoc telecommuting usage among the entire AOC for this period was 36 days per month, representing less than one percent of staff work time. (This figure does not account for ad hoc days resulting from the special events outlined below.)

Expanded management toolkit in addressing three disruptive events. The level of flexibility afforded by the ad hoc telecommute program provided a valuable management tool during three major commute-related special circumstances that affected the Bay Area: two transit strikes and a bridge closure.

BART strikes. In July 2013, and again in October 2013, Bay Area Rapid Transit (BART) employees went on strike, shutting down one of the main public transportation services for staff commuting to and from the San Francisco office. The Executive Office authorized employees directly affected by the strike to telecommute on an ad hoc basis the first two days of the BART closure. The exception also applied to employees participating in the regular pilot telecommute program to shift one of their telecommute days to the week of the strike; however, no employee was allowed to telecommute more than two days during that week. Employees were also allowed to use a flexible work schedule (earlier start and end times) or accrued leave as permitted by business need and with supervisor approval.

Bay Bridge closure. In September 2013, the Bay Bridge was closed pending the opening of its new eastern span. The closure was expected to create heavy traffic and congested public transit. During this period, the Executive Office provided employees with options that would meet the work needs of the agency while trying to alleviate commuting challenges. These options included:

- Allowing up to two ad hoc telecommute days for those employees not participating in the regular pilot program;
- Shifting a regular telecommute day to a day when the bridge was closed;
- Having a flexible work schedule to avoid heavy commute periods; and
- Using available leave accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that employees who worked remotely during these days had sufficient assignments for the full period. Employees who participated in any of the special-circumstance days were required to submit to their supervisors a remote work log, which was, in turn, submitted to HRSO.

Prior to implementation of the new pilot program, in instances where such special circumstances occurred, office heads had the discretion to offer commute options for their respective offices. Since the implementation of the pilot program, the Executive Office instead establishes consistent, agencywide commute alternatives that include both telecommuting and non-telecommuting options.

Ad hoc remote usage rates during the BART strikes and the Bay Bridge closure are illustrated in table 3.

Table 3. Ad Hoc Telecommuting During Transit Troubles

Office	BART Strike (July 2013)	Bay Bridge Closure	BART Strike (Oct 2013)
Information Technology Services Office	48	3	12
Center for Families, Children & the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Total	168	19	51

Note: Offices without ad hoc telecommuters during these events are not reflected in the table. The numbers in the table are distinct from the ongoing ad hoc telecommute totals.

Comments, Alternatives Considered, and Policy Implications

With the implementation of and strict adherence to guidelines during the pilot year, and with continued oversight and monitoring by the HRSO under the direction of the Administrative Director, four options are presented for consideration by the council.

Option 1: Adopt as an ongoing program the pilot telecommute policy, including the additional controls put in place during the implementation of the pilot program.

Should the Judicial Council approve this option, the “pilot” terminology would be removed from the policy. Participation would still be based on the fiscal year cycle, and employees would reapply annually to ensure that job duties are still appropriate to telecommuting.

The telecommute program would continue to be implemented through a centralized process managed by the HRSO. This process involves a review of each new application by office leadership using the following parameters:

1. **Nature of Work.** What is the type of work being performed by the employee, and is the telecommuting arrangement conducive to the duties necessary to perform the work?
2. **Quantity of Work.** Can a sufficient number of work activities be performed at home?
3. **Quality of Work.** Has the employee demonstrated an ability to carry out high-quality work with minimal supervision?

4. **Timeliness.** Has the employee consistently shown that he or she is able to work within established deadlines?
5. **Ability to handle multiple priorities.** Has the applicant demonstrated a strong ability to manage multiple, competing priorities?

Once office leadership completes its initial review, a recommendation is made to the HRSO. HR then conducts a second review of each application against these same parameters, as well as the following additional criteria:

1. **Current division and unit balance.** What is the requested telecommute day, and do other employees in the office also telecommute on that day? If so, what is the potential impact to scheduling and workload?
2. **Ability to handle scheduled and unexpected leaves.** Will the office have coverage in times of scheduled days off or unexpected absences?
3. **Performance Improvement Plan (PIP).** Is the employee currently on a PIP? Has the employee had past performance issues?

The HRSO then forwards its review and recommendation to the Administrative Director for a final decision on participation

See Proposed Policy 8.9, Working Remotely (Telecommuting) Program; Attachment F.

Option 2: Extend the current pilot program for an additional year.

Should the Judicial Council approve this option, the pilot program would be extended for one year, with further review by the Judicial Council in April 2015. All current controls would remain in place, and all interested employees would need to resubmit applications before current participant agreements end on June 30, 2014.

Option 3: Eliminate regular telecommuting and allow only limited ad hoc telecommuting under special circumstances.

Should the Judicial Council approve this option, regular telecommuting would no longer be permitted at the AOC. However, to allow for management flexibility in special circumstances, the Administrative Director would have discretion to allow employees to telecommute on an ad hoc basis with the approval of their supervisors or managers and office leadership.

Option 4: Eliminate all forms of telecommuting.

Should the Judicial Council approve this option, telecommuting on a regular and an ad hoc basis would no longer be permitted at the AOC. Such a decision could present employee retention issues, in that the agency would be unable to offer comparable employee benefits in a competitive labor market. Further, elimination of the program could also affect employee morale and performance.

Should the council approve Option 1 or 2, amended job descriptions resulting from the classification and compensation study will be reviewed against the telecommuting criteria and could potentially change employee eligibility during 2014–2015.

Implementation Requirements, Costs, and Operational Impacts

Implementation of the pilot telecommute program is centralized under the oversight of HRSO; ultimate authority to approve or deny participation in the program rests with the Administrative Director of the Courts.

All regular pilot telecommuting schedules will conclude during the week of June 30, 2014. Should the program continue, employees wishing to participate in the program would be required to (re)submit applications. HRSO staff would review and submit the applications to the Administrative Director for final review and approval or denial. Approved employees would commence their one-day-per-week telecommute on a date approved by their supervisors.

Participating employees would be required to submit weekly logs describing work performed on telecommute days. A human resources analyst would expend approximately 24 hours per month tracking and documenting program usage, in addition to conducting initial reviews of any new applications.

Attachments

1. Attachment A: Original Telecommute Program Policy (Pre 2013)
2. Attachment B: Report to Judicial Council, February 26, 2013 (no attachments)
3. Attachment C: Pilot Telecommute Program Policy
4. Attachment D: Six-Month Interim Report on the Pilot Program to the Executive and Planning Committee, November 25, 2013
5. Attachment E: Summary of Changes to Policy 8.9
6. Attachment F: Proposed Telecommute Policy (Option 1)

**ADMINISTRATIVE OFFICE OF THE COURTS
PERSONNEL POLICIES AND PROCEDURES**

Policy 8.9

Policy Number: 8.9

Title: Working Remotely (Telecommuting)

Contact: Human Resources Division, Policy Development Unit

Policy

Statement: The AOC's Remote Work Program provides employees the opportunity to work from home when doing so is consistent with business needs and the employee's job functions, as authorized by the employee's division director.

Contents:

- (A) Purpose of Remote Work Program**
- (B) Applicability**
- (C) Request and Approval Process**
- (D) Remote Work Schedules**
- (E) The Home Office**
 - (1) Work Environment**
 - (2) Office Equipment**
 - (3) Information Security**
 - (4) Health and Safety**
- (F) Other Employee Rights and Responsibilities**
- (G) Termination and Renewal of Remote Work Assignment**

(A) Purpose of Remote Work Program

The AOC recognizes the potential management and personal benefits available through a carefully planned and managed remote work program. When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. This policy does not intend to cover employees working remotely due to work-related travel.

(B) Applicability

Only AOC employees ([regular or temporary, full-time or part-time, exempt or non-exempt](#)) may apply to participate in the remote work program.

(C) Request and Approval Process

An employee may initiate a request to participate in the remote work program by submitting a completed Remote Worker Self-Assessment and Remote Work Application to his or her supervisor. The supervisor will review the request and make a recommendation to the division director to approve or decline the request. Approval of a remote work arrangement is at the discretion of the division director. In making this determination, the division director will consider work-related criteria, including:

- The employee's job functions and feasibility of performing work away from the office;
- Degree of supervision required;
- The performance and work habits of the employee;
- Business needs, including work demands of the employee's unit; and
- Suitability of proposed home work environment.

A request to participate in the remote work program may be approved only when the division director determines that, while working remotely, the employee can perform all the duties and responsibilities of the position in a productive, efficient, and satisfactory manner that is consistent with the needs of the organization. Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Requests to work remotely as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor or the Human Resources Division, Integrated Disability Management Unit.

The Remote Worker's Agreement and Remote Work Checklist must be signed as indicated before remote working begins.

(D) Remote Work Schedules

Employees (including supervisors and managers) may be approved to work remotely as follows:

- During the first three months of employment, employees are not eligible to participate in the remote work program.
- After three months of employment, employees are eligible to request to work remotely up to a maximum of four days per month.
- After six successful months of participation in the remote work program, employees are eligible to request to work remotely up to a maximum of eight days per month.

Any exceptions to the above scheduling guidelines are at the discretion of the division director, in advance consultation with the Director of Human Resources. The remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday ([Hours of Work, policy 4.4\(A\)](#)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- Remote workers may request approval for time off in the same manner as if not working remotely.

- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day.

An employee may also be approved to work remotely on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs.

(E) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee’s [primary work location](#).

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working remotely. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. ([Use of AOC Property, policy 8.8\(B\)](#)). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Services Division does not provide technology support for use of personal equipment for working remotely.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Services Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the [AOC Service Portal](#), or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working remotely. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security [procedures](#).
- Remote workers must restrict access to confidential and personal information from family members and others. ([Use of AOC Property, policy 8.8\(D\)](#)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Services HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work remotely or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working remotely, workers' compensation law and rules apply. Consistent with AOC's [Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Division, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(F) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#), and [AOC Computer Use Best Practices](#). In addition to AOC requirements on time reporting ([Hours of Work, policy 4.4\(D\)](#)), remote workers may be required to submit work logs of time spent and work performed while working remotely, at the discretion of their supervisor.

(G) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason. Failure to abide by the policies and procedures set forth in this policy may result in immediate termination of an employee's remote work assignment.

The Remote Work Application should be discussed and renewed annually, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. A remote work arrangement must not be continued when it is not in the best interests of the AOC or the employee.

Participation in the remote work program is approved based on specific criteria considered by the division director on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 26, 2013

Title	Agenda Item Type
AOC Restructuring: Amendments to Policy 8.9, Working Remotely (Telecommuting)	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	February 26, 2013
Recommended by	Date of Report
Steven Jahr Administrative Director of the Courts	February 11, 2013
	Contact
	Kenneth R. Couch, 415-865-4271 kenneth.couch@jud.ca.gov

Executive Summary

The Administrative Director of the Courts requests that the Judicial Council consider and approve one of the following options concerning telecommuting. In addition, the Administrative Director confirms that all 85 telecommuting staff are currently in compliance with the existing policy and has prepared a report containing options for consideration by the Judicial Council. The report contains options to: (1) eliminate all forms of telecommuting; (2) eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or (3) permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation. If the revised telecommute policy is approved, a follow-up report will be provided to the Judicial Council in one year.

Previous Council Action

In August 2012, the Executive and Planning Committee (E&P) recommended that the Judicial Council direct the Administrative Director of the Courts to require compliance with the requirements and policies of the *AOC Personnel Policies and Procedures Manual*, including compliance with the rules limiting telecommuting, specifically concerning Policy 8.9 Working

Remotely (Telecommuting). As a response to that directive, the Administrative Director confirmed that all 85 telecommuting staff are in compliance with the existing policy and, in consultation with the AOC Executive Office and office directors, proposed amendments to the policy to address implementation and compliance concerns stated in a report presented by E&P to the council at its August 31, 2012, meeting.

At its December 2012 meeting, E&P further proposed an amendment to Judicial Council directive 26 to enlarge its scope to include the question of whether a telecommute program should remain in force. The proposed revisions to Policy 8.9 and options outlined in this report respond to the amended directive for discussion at the council’s February 2013 meeting.

Current Status

There are 85 regular employees in compliance with the current Policy 8.9 who have been approved for telecommuting within the AOC. The chart below lists the eight AOC offices that currently participate in the program.

Participating Offices	Count of Participating Employees	% of Total AOC Population
Center for Families, Children & the Courts	27	3.76%
Center for Judiciary Education and Research	11	1.53%
Court Operations Special Services Office	9	1.25%
Criminal Justice Court Services Office	3	.42%
Information Technology Services Office	19	2.65%
Judicial Council Support Services	1	.14%
Legal Services Office	11	1.53%
Trial Court Liaison Office	4	.56%
Grand Total	85	11.84%

The following ten offices do not currently participate in the regular telecommuting program.

Non - Participating Offices		
Judicial Branch Capital Program Office	Office of Communications	Special Projects Office
Fiscal Services Office	Office of Governmental Affairs	Trial Court Administrative Services Office
Human Resources Services Office	Office of Security	
Office of Administrative Services	Office of Real Estate & Facilities Management	

Of the 718 regular employees only 85 regular employees have been approved to participate in the program, representing 11.84 percent of the AOC regular workforce. The remaining 633 regular employees work the standard workweek in an assigned AOC work location.

Duties approved for telecommuting

Office leadership have considered and approved regular telecommute schedules depending upon various job responsibilities, including performing legal research, drafting legal opinions, analyzing data, writing reports, and providing network support/administration. Examples of such duties/responsibilities include:

- Legal research to update legal publications, course curricula, and online courses
- Research, data analysis, and report writing connected with advisory committee or other group work
- Configuring, administering, and supporting network and server infrastructure
- Creating lesson plans, developing PowerPoint presentations, and meeting via phone with planning committees
- Writing content for online courses, writing scripts for broadcasts (for both judges and court staff), and drafting reports
- Writing, editing, and generating technical documents
- Preparing and reviewing grant applications, including the preparation of budget sheets and forecasts

Duties not approved for telecommuting

Not all employees have been deemed suitable to participate in the telecommute program due to the nature of the work assigned. Employees who have been deemed ineligible for a regular telecommute schedule include those whose job responsibilities require them to be present in the AOC offices. Examples of such duties/responsibilities include:

- Processing of daily Court-Appointed Counsel compensation claims (which requires specialized software and face-to-face interaction with Accounting staff)
- Handling daily intake of retired judge assignment requests (which requires access to specialized software and constant telephone access)
- Processing of payroll or benefit information (which requires restricted access to the State Controller's Office system) and employee relations interactions (which are best handled in a face-to-face meeting)
- Setting up new computers, delivering them to employees, repairing malfunctioning computers, and processing end-of-life equipment for reutilization/disposal
- Coordinating logistics for judicial education programs (which requires being available to a number of CJER staff)
- Managing the logistics of securing meeting rooms, lodging, and other requirements for education programs and meetings
- Hands-on consulting with other employees in specific subject matter areas, such as instructional design or WebEx support

Additional reasons why employees have not been allowed to telecommute include:

- Employees on a performance improvement plan who require supervision, assessment, and development on site
- Managers and supervisors who need to be available to their staff on as-needed basis

Options for Consideration and Policy Implications

Option 1: Eliminate all forms of telecommuting

If this option is approved by the Judicial Council, Policy 8.9 would be eliminated and telecommuting, both on a regular schedule and on an ad hoc basis, would no longer be permitted in the AOC.

Benefits of adopting option 1

Improved perception/reputation. By eliminating all forms of telecommuting, AOC staff will be available at all times to assist their customers within the Supreme Court, Courts of Appeal, and the trial courts. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Elimination of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Ability to supervise employees on site; employee availability. Under a telecommuting program not strictly managed and controlled by a centralized oversight group, there may be a perception of little to no supervision of employees on telecommuting arrangements. By eliminating this option, it eliminates this perception and thereby ensures that all employees on site are properly supervised by their supervisor or manager. Elimination of the telecommuting program will have AOC employees at an AOC worksite on a standard work schedule, with the exception of the one day per month mandatory furlough.

Consistency with most written trial court policies. Most trial courts have not adopted a formal telecommute policy for their employees. Elimination of the policy places the AOC on equal terms with the trial courts and reduces the perception of unavailability.

All offices treated the same regardless of the nature of work. The wide latitude of telecommuting arrangements within the AOC, as allowed under the current Policy 8.9, has resulted in different applications of the policy across all offices. By eliminating the ability to telecommute, employees will be treated the same regardless of their duties and responsibilities.

Challenges of adopting option 1

Reduced motivation potentially leading to reduced performance. The ability to telecommute is a very important job benefit to those who participate in the program. Complete elimination of

the program could result in less-motivated employees, which could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for remote working. If the work from home program is eliminated, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as “take-aways.” While many changes have been a direct result of the economic downturn, others, such as this program, are “no-cost” benefits. Removing such a benefit would most likely be perceived by employees as yet another take-away, with a corresponding direct impact on employee morale.

Potential increased commute cost to employees. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as \$6 to \$10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of \$24 to \$40 per month and will spend approximately 6 additional hours per month commuting.

Ability of the AOC to offer comparable employee benefits in the competitive San Francisco labor market. AOC HR contacted employers within the San Francisco Bay Area to determine what, if any, telecommuting programs they offer to their employees. Of the public entities contacted, the City and County of San Francisco, Superior Court of San Francisco County, San Francisco State University, and University of California, San Francisco offer some form of telecommuting. Of the private entities contacted, Adobe, Charles Schwab, Gap, Inc., and Yahoo! also offer some form of telecommuting. Based on information gathered, it appears that remote working has become a standard practice among major San Francisco employers and is a highly desired benefit of job seekers. To continue to be competitive in the San Francisco labor market, it is critical to develop and maintain programs that meet the business needs of the organization to attract and retain quality staff.

Option 2: Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances

If this option is approved by the Judicial Council, Policy 8.9 would be revised to only allow for limited, ad hoc telecommuting not to exceed two days in any given month. In this option telecommuting would only be allowed under special circumstances that would meet the business needs of the AOC. For example, an individual who is on vacation at home and unable to come to the office is required to complete an unexpected project by close of business. That individual could be approved to work from home on that day so the project can be completed and the individual credited with the work time utilized.

Oversight of this option would be granted to office leadership, with monthly ad hoc telecommute reports submitted to the Human Resources Services Office for tracking and review. A quarterly utilization report would be provided to the Administrative Director.

Benefits of adopting option 2

Improved perception/reputation. Elimination of regular telecommuting and the restriction of the program to only include remote work on an ad hoc basis may reduce the negative perception of the AOC telecommuting program. This restriction of the telecommuting program enables the AOC to strengthen its reputation with the trial courts and the public.

Allows for flexibility in meeting critical business needs. While this option does not provide for a regularly scheduled work from home day, it does provide the AOC with the ability to approve limited, one-time, as-needed remote work that would meet a specific, critical business need.

Consistent with some trial court practices. While many trial courts do not have a formal written remote work policy, some trial courts do allow an ad hoc type of work from home program. Some trial courts have allowed staff to work from home to complete a report, a project, and research or data analysis in a quieter, less interrupted setting.

Challenges of adopting option 2

Negative perception/reputation. The AOC has been under public scrutiny to reform and restructure its current practices/policies. Allowing for even ad hoc telecommuting does not completely address the perception that the AOC is unavailable to address trial courts' needs in a timely fashion.

Reduced motivation leading to reduced performance (for individuals who have lost a regular telecommute schedule). The ability to telecommute is a very important job benefit to those who participate in the program. Elimination of the regular remote work program and replacing it with a much more restrictive ad hoc program could result in less-motivated employees and could have a direct effect on job performance and productivity.

Retention issues—potential for losing quality workforce. In the San Francisco job market most employers, public and private, allow for regular remote working. If the work from home program is reduced to an ad hoc program, it could result in a loss of quality employees to competing employers. It could also influence future ability to recruit quality individuals in a competitive job market.

Employees will perceive this as another take-away. Over the past four years employees have endured several changes in the workplace that have been perceived by the employees as “take-aways.” While many changes have been a direct result of the economic downturn, others, such as

this program, are “no-cost” benefits. The severe restricting of such a benefit would likely be perceived by employees as yet another take-away potentially having a direct impact on employee morale.

Potential increased commute cost to employee. Employees who currently work remotely are relieved of the time and cost of commuting for the day(s) they work from home. For example, a commuter from the East Bay could save 45 minutes each way to and from work, as well as \$6 to \$10 per day in transportation costs. An individual participating in a one day per week remote work assignment would have an increased cost of \$24 to \$40 per month and will spend approximately 6 additional hours per month commuting.

Option 3: Permit telecommuting by approving a restructured and more restrictive telecommute policy, which contains controls for approving, monitoring, and, if necessary, rescinding participation in the telecommute program

If this option is approved by the Judicial Council, Policy 8.9 would be revised to the more restrictive policy outlined below.

The proposed Policy 8.9 contains a number of revisions that, if incorporated, address many of the concerns raised. For example, it narrows the scope of the telework policy to nonsupervisory positions, limits the number of days a person can utilize ad hoc or regular telecommuting, and prohibits a combination of ad hoc and regular telecommuting.

Further, to address accountability issues, it includes tracking procedures. AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work remotely. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Additionally, HR would provide a review of the application process and provide recommendations to the Administrative Director or designee for final consideration/approval. This process is designed to ensure that all participants meet and adhere to policy guidelines.

Comparison between current and proposed

The goal is to design a program that is in the best public interest and that benefits the employees, while addressing the challenges identified, i.e., how to measure productivity for the employees who work from home, how to determine what positions are suitable for telecommuting, and how to fairly implement the policy.

The chart below illustrates the differences between the current policy and the proposed policy:

Criteria	Current Policy	Proposed Policy
Employment eligibility	After 6 months of employment	After 12 months of employment
Limits definition of “Home” location	None	Restricts “Home” location to one in the state of California

Limits number of regularly scheduled telecommute days	Up to 8 days per month	No more than 1 day per week in any given week
Limits participation in regular remote work program	None	Limited to only nonsupervisory AOC employees
Limits participation in ad hoc telecommute days	None	Limited to 2 days per month in any given month; available to all AOC employees; not available to employees on a regular telecommute schedule
Consideration/review process	Office leadership discretion	1. Office leadership review, 2. Human Resources review, 3. Administrative Director/designee approval
Factors for approval consideration	Office leadership discretion	Defined consideration factors: 1. Nature of work, 2. Quantity of work, 3. Quality of work, 4. Timeliness, 5. Ability to handle multiple priorities
Approval authority	Office leadership approval	Administrative Director/designee approval
Allowable exceptions	Office leadership discretion	None (except for reasonable accommodations for a disability consistent with law)
Work logs maintained	None	Required for each regularly scheduled remote work day
Tracking of ad hoc telecommute days	None	Tracking required for each day of ad hoc remote work by office leadership and Human Resources
Frequency of productivity monitoring	Annually	Continuing duty of office leadership

The amended policy recognizes the potential benefits of an organized, managed remote work program, and the revisions reflect an emphasis on accessibility, transparency, and consistency. The final amended policy includes two key components that address these themes: availability of staff to address inquiries from internal customers, the courts, and the public; and the assignment of a centralized unit to oversee and manage the telework program.

Benefits of adopting option 3

Increased productivity. Overall productivity may be improved because the more desirable and attractive working conditions result in higher levels of employee motivation. A number of

companies that have implemented telecommuting in the workplace have seen increased productivity in their employees.¹

Work/life balance and employee motivation. Employees perceive the remote working opportunity as a workplace benefit. Employees appreciate and will recognize the efforts by the AOC to maintain attractive work benefits in a challenging economic time.

Work environment. The nature of work appropriate for remote working situations is best served in quiet, uninterrupted settings where quality thinking can occur. The lack of interruptions can not only expedite the completion of a project, but can also increase the quality of the finished product.

Increased monitoring. The utilization of work logs demonstrates the quality and quantity of work performed, which can potentially lead to an increase in productivity.

Employee retention and recruitment. Several employees have expressed that this “benefit” is an important aspect of their decision to be employed at the AOC. In the San Francisco job market most employers, public and private, allow for remote working. This option could allow the AOC to recruit quality individuals in a competitive job market.

Emulates state policies and legislation that encourage utilization of telecommute programs. Government Code section 14200.1(b): “It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.” The standard template for telecommute policy utilized by the state agencies is provided on the Department of General Services website at: <http://www.dgs.ca.gov/dgs/ProgramsServices/telework.aspx>

Challenges of adopting option 3

Perception of monitoring, supervising, and evaluating off-site employees. Under any telecommuting program, there may be a perception of little to no supervision of employees on telecommuting arrangements. Telecommuting may make it more challenging to review the work product on a regular basis to ensure productivity standards are being met.

Limits face-to-face interaction/exchange of information. Working from home could reduce the interpersonal, collaborative relationships necessary for the development of a sound work product.

Impacts on non-telecommuting employees. If regular telecommuting is continued, the AOC will continue to have employees whose job responsibilities prohibit them from participation. For these employees there may be a perception of disparity.

¹ Telework Research Network, “Pros and Cons” (October 22, 2008), www.teleworkresearchnetwork.com/pros-cons (as of Jan. 22, 2008).

Information on current telecommute practices, public and private

The Telework Research Network (TRN) is an independent consulting and research organization that publishes findings related to workplace flexibility. In June of 2011, the TRN published a report entitled *The State of Telework in the U.S.* (see Attachment D),² which integrates a large number of studies, surveys, and censuses to present the current state of telework in the United States. The report encompasses both the private and public sectors, as well as the resulting benefits of telework. According to the report, telecommuting is in much wider use in the private sector than in the public sector. However, use of telecommute (also referred to as telework) programs has increased in recent years in the public sector. A 2011 report also by TRN reviews the benefits and challenges of telecommuting in the California government workforce. While many of the cost-saving considerations would not apply to the AOC, the concept of remaining competitive and attracting a new generation of government leaders and talented staff is a fundamental goal of the AOC.³ (See Attachment E.)

The TRN reports on their website that companies that implement telecommuting policies have seen a notable *increase* in productivity by their employees. Best Buy, British Telecom, Dow Chemical, and many others show that teleworkers are 35 to 40 percent more productive than non-telecommuters. More than two-thirds of employers have reported increased productivity among their teleworkers. Sun Microsystems' experience suggests that employees spend 60 percent of the commuting time they save performing work for the company. JD Edwards teleworkers are 20 to 25 percent more productive than their office counterparts. American Express workers produced 43 percent more than their office-based counterparts, and Compaq increased productivity by 15 to 45 percent.⁴

Because of technological advances in recent years, many employers, especially in the private sector, have found that enabling employees to telecommute has resulted in improvements in employee productivity, morale, and retention.

In addition to increased productivity, other benefits to both the employer and the employee have been associated with offering telework programs. These benefits include reduced absenteeism, retention of high-level employees who might otherwise choose to leave public employment due to work schedule inflexibility, and reduced commuter costs (see Lister & Harnish, *infra*, note 2).

² K. Lister and T. Harnish, *The State of Telework in the U.S.: How Individuals, Business, and Government Benefit*, Telework Research Network (June 2011).

³ K. Lister and T. Harnish, *The Bottom Line on Telework: California Government Workforce*, Telework Research Network (September 2011).

⁴ Telework Research Network, "Pros and Cons" (October 22, 2008), www.teleworkresearchnetwork.com/pros-cons (as of Jan. 22, 2008).

Relevant telecommuting legislation

In recognition of the benefits of telecommute programs, legislation has been passed at the federal level and in the state of California encouraging telecommute programs for employees in positions where telecommuting is viable. The report *2012 Status of Telework in the Federal Government* (see Attachment F) gives a detailed account of how the Telework Enhancement Act of 2010 has transformed federal telework.⁵

In California, in 1990, Assembly Bill 2963 (Klehs; Stats. 1990, ch. 1389) added sections 14200 through 14203 to the Government Code, entitled “the State Employee Telecommuting Program,” authorizing state agencies to establish telecommuting programs as an element of transportation management programs. Four years later, Assembly Bill 2672 (Cortese; Stats. 1994, ch. 1209) amended section 14201 and added section 14200.1 to the Government Code “to encourage state agencies to adopt policies that encourage telecommuting by state employees.” (Gov. Code, § 14200.1(b).) Section 14200.1 sets forth legislative findings, declarations, and intent:

- (a) The Legislature finds and declares the following:
 - (1) Telecommuting can be an important means to reduce air pollution and traffic congestion and to reduce the high costs of highway commuting.
 - (2) Telecommuting stimulates employee productivity while giving workers more flexibility and control over their lives.
- (b) It is the intent of the Legislature to encourage state agencies to adopt policies that encourage telecommuting by state employees.

As amended, section 14201 deletes the earlier authorization and replaces it with a requirement that each state agency “shall review its work operations to determine where in its organization telecommuting can be of practical benefit to the agency [and] develop and implement a telecommuting plan as part of its telecommuting program in work areas where telecommuting is identified as being both practical and beneficial to the organization.”

Unintended negative consequences of telecommuting

According to the *2012 Status of Telework in the Federal Government* report (see Attachment F, page 52), telecommuting can also have unintended negative consequences. Those cited in the report include the following:

- Potential for social and career isolation
- Reduced performance as a result of employee isolation
- Missed opportunities for meeting colleagues to allow for unplanned or serendipitous knowledge exchange
- Reduce overall sharing in workplaces

⁵ U.S. Office of Personnel Management, *2012 Status of Telework in the Federal Government: Report to the Congress* (June 2012).

Implementation Requirements, Costs, and Operational Impacts

Option 1 implementation requirements. If option 1 is approved, the AOC will take the necessary steps to eliminate Policy 8.9 from the *AOC Personnel Policies and Procedures Manual* and will work with offices to inform current telecommuting staff and transition employees to perform their duties at an AOC worksite on a standard work schedule. No other implementation requirements are needed.

Option 2 implementation requirements. If option 2 is approved, the AOC will take the necessary steps to amend Policy 8.9 to eliminate regular telecommuting and only allow AOC employees to telecommute on an ad hoc basis, based on special circumstances. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to perform their duties at an AOC worksite on a standard work schedule. As previously indicated, HR has developed a process to track, monitor, and report on the use of ad hoc telecommuting within the AOC.

Option 3 implementation requirements. If option 3 is approved, the AOC will implement the proposed amended Policy 8.9 establishing strict controls and allowing for the approval, monitoring, and, if necessary, rescinding of telecommuting arrangements. HR will communicate the amended policy to all AOC staff and initiate steps to transition current regular telecommuting staff to be in compliance with the amended policy. HR has developed a process to track, monitor, and report on the use of regular and ad hoc telecommuting within the AOC. If this option is approved by the Judicial Council, a report on the status of telecommuting in the AOC will be provided in one year for review and further consideration.

Attachments

1. Attachment A-1: Present Policy 8.9, Working Remotely (Telecommuting)
2. Attachment A-2: Proposed Amended Policy 8.9, Working Remotely (Telecommuting)
3. Attachment B: Working Remotely Application Forms
4. Attachment C: Remote Work Log
5. Attachment D: 2011 *The State of Telework in the U.S.*
6. Attachment E: 2011 *The Bottom Line on Telework: California Government Workforce*
7. Attachment F: 2012 *Status of Telework in the Federal Government* report

**ADMINISTRATIVE OFFICE OF THE COURTS
PERSONNEL POLICIES AND PROCEDURES**

Pilot Program 8.9

**Pilot Program
Number:** 8.9

Title: Working Remotely (Telecommuting) Pilot Program

Contact: Judicial and Court Administrative Services Division,
Human Resources Services Office

**Program
Statement:** The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

Contents:

- (A) Purpose of Remote Work Program**
- (B) Regularly Scheduled Remote Work**
 - (1) Applicability**
 - (2) Request and Approval Process**
 - (3) Remote Work Schedules**
 - (4) Remote Work Log**
- (C) Ad Hoc Remote Work**
- (D) The Home Office**
 - (1) Work Environment**
 - (2) Office Equipment**
 - (3) Information Security**
 - (4) Health and Safety**
- (E) Other Employee Rights and Responsibilities**
- (F) Termination and Renewal of Remote Work Assignment**

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this pilot program refer to the performance of usual job duties at home. Home locations for purposes of this pilot program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This pilot program covers two types of remote work options:

- (1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this pilot program), and
- (2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this pilot program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work Pilot Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only non-supervisory AOC employees (regular or temporary, full-time or part-time, exempt or non-exempt) may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Worker Self-Assessment](#) and [Remote Work Application](#) to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable pilot program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
The type of work performed by the employee.
- Quantity of work
How much work can get done from home?

- Quality of work
How well can the work be completed from home?
- Timeliness
Can timelines be met when working from home?
- Ability to handle multiple priorities
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously.

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the pilot program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee's review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

Employees (excluding supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to

the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a remote work log for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including managers and supervisors) may alternatively be approved to work from home on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to special projects, the demand for expedited work products, or other business or personal needs. The employee’s office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this pilot program and does not confer eligibility to work from home on a regularly scheduled basis.

“Ad hoc” remote work occurrences are limited to two days per month in any given month. Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an “ad hoc” basis.

The supervisor or manager recommends approval of the ad hoc remote working request and submits to his or her office leadership. Office leadership may approve the ad hoc remote work and record the usage on a monthly report that will be submitted to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee's primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. [\(Use of AOC Property, policy 8.8\(B\)\)](#). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [AOC's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [AOC Computer Use Best Practices](#).

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this pilot program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this pilot program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the Remote Work Application form (Attachment II) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements must be approved by the Administrative Director or designee. Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date	Action Requested
November 25, 2013	For Your Information
To	Deadline
Members of the Executive and Planning Committee	N/A
From	Contact
Steven Jahr, Administrative Director of the Courts	Kenneth R. Couch, Director Human Resources Services Office 415-865-4271 phone 415-865-4582 fax kenneth.couch@jud.ca.gov
Subject	
Six-Month Update on AOC Pilot Telecommuting Program	Michael Guevara, Senior Manager 415-865-7586 phone 415-865-8873 fax michael.guevara@jud.ca.gov

Executive Summary

The Administrative Office of the Courts (AOC), Human Resources Services Office (HRSO) has prepared this six-month interim status report on the progress of Judicial Council Directive 26, which states that:

...the Judicial Council direct the Administrative Director of the Courts to ensure that the AOC adheres to its telecommuting policy consistently and identifies and corrects all existing deviations and violations of the existing policy.

This report includes a six-month update of the pilot telecommuting program. It includes information on how the program was implemented, details on employee usage, how accountability has been monitored, and next steps in the process.

Previous Council Action

On August 31, 2012, the Judicial Council directed the Administrative Director of the Courts to ensure that the AOC consistently adhered to its existing telecommuting (working remotely) policy. The council also requested that the Administrative Director identify and correct all existing deviations from and violations of the existing policy.

On December 14, 2012, the council directed the Administrative Director to review Policy 8.9 (attachment 1), Working Remotely (Telecommuting), of the *AOC Personnel and Policies Procedures Manual* and provide the council with a report proposing any recommendations and amendments to the policy. The council also directed the Administrative Director to consider and report on alternatives—including whether this policy should remain in force—and return with a report and recommendations for the council’s February 2013 meeting.

During the February 2013 meeting, the Administrative Director requested, in his report, that the Judicial Council consider and approve one of the following options:

1. Eliminate all forms of telecommuting;
2. Eliminate regular telecommuting and only allow for limited ad hoc telecommuting under special circumstances; or
3. Permit telecommuting by approving a restructured and more restrictive telecommute policy, including controls for approving, monitoring, and, if necessary, rescinding participation.

The Judicial Council approved a twelve-month pilot of the proposed amended Policy 8.9 (attachment 2), Working Remotely (Telecommuting) Pilot Program, authorizing employees to work from home only when doing so is consistent with business needs and the employee’s job functions, as authorized by the Administrative Director. Included with the new pilot program, the council approved the use of ad hoc remote work arrangements, limited to no more than two workdays per month, when unknown business or personal needs arise.

The council directed that an interim report be provided to the Executive and Planning Committee (E&P) following six months of implementation, and a full report be presented to the Judicial Council at the completion of the one-year pilot program.

Participant Data – Past and Present

The original policy allowed for up to eight days per month of telecommuting, and provided each office leader with discretion regarding any exceptions to the policy. In 2012, 98 employees (including supervisors and managers) participated in the Working Remotely (Telecommuting) Program, representing 454 remote working days per month. The telecommuting benefit for supervisors and managers was eliminated when the amended pilot program was implemented in March 2013.

Currently, under the pilot telecommute program, there are 69 individuals who have been approved to telecommute on a one-day-per-week basis, representing 276 remote workdays per month. This represents a 30 percent decrease in telecommute approvals and about a 40 percent decrease in the number of telecommute days utilized per month utilizing the criteria established by the Administrative Director.

Office	2012 Participation	# days per month	2013 Participation	# days per month
Center for Families, Children and the Courts	28	104	16	64
Center for Judiciary Education and Research	12	54	10	40
Court Operations Special Services Office	17	80	4	16
Criminal Justice Court Services Office	2	8	4	16
Human Resources Services Office	0	0	1	4
Information Technology Services Office	23	92	14	56
Judicial Council Support Services	0	0	1	4
Legal Services Office	15	112	8	32
Trial Court Administrative Services Office	0	0	9	36
Executive Office	1	4	0	0
Trial Court Liaisons Office	0	0	2	8
Totals	98	454	69	276

Methodology and Process

Pilot Remote Work (Telecommute) Program Application Process

1. A transitional period was granted by the Administrative Director through May 31, 2013, to allow for an application period and to allow individuals on prior telecommute schedules time to adjust to the new policy parameters;
2. Employees were asked to submit applications to a central email account (pilot.telecommute@jud.ca.gov) for tracking and monitoring by HRSO;
3. The HRSO reviewed applications and submitted to the Administrative Director for final review and approval; and
4. If approved, employees began their one-day-per-week telecommute after June 3, 2013, on a date approved by their supervisors. Employees were also required to submit weekly logs describing work performed during their telecommute days.

All other aspects of the pilot program, such as ad hoc telecommuting, became effective on March 1, 2013.

Ad hoc Telecommute Program

The ad hoc telecommute program is a separate component of the pilot program, offering employees the ability to work remotely no more than two days per month when extenuating circumstances arise. The ad hoc telecommute program is only available to individuals who do not participate in the regular pilot telecommute program.

Special Circumstances Affecting Employees' Commutes

Ad hoc Telecommuting Related to the BART Strike

In early July 2013, a special circumstance occurred when the employees of the Bay Area Rapid Transit (BART) went on strike, which resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. During this period, the AOC Executive Office authorized individuals who were directly impacted by the strike to ad hoc telecommute on the first two days of the BART closure.

This exception also applied to individuals who participated in the regular pilot telecommute program; however, no individual employee was allowed to telecommute more than two days during this particular week. Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Bay Bridge Closure

In early September 2013, a special circumstance occurred when the Bay Bridge was closed due to the road changes related to the opening of the new eastern span of the bridge. The closure was expected to create heavy traffic and congested public transit. During this period, the AOC Executive Office provided individuals with options that would meet the work needs of the AOC while trying to alleviate the commute during the period of the bridge closure.

The options provided during the bridge closure included: 1) the ability to allow up to two ad hoc telecommute days for those individuals not participating in the pilot program; 2) the ability to shift the regular telecommute day to a day impacted by the bridge closure (for those participating in the pilot program); 3) the ability to work a flexible work schedule to avoid heavy commute periods; or 4) the ability to utilize available accruals to take time off during impacted days.

Supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special Bridge Closure telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Ad hoc Telecommuting Related to the Second BART Strike

In late October 2013, BART employees participated in a second strike, which, once again, resulted in a shutdown of one of the main public transportation services utilized by staff to commute to and from the San Francisco office. This closure of the public transportation system was anticipated and the AOC Executive Office authorized the following options to ease the commute burden on employees: 1) the use of the two ad hoc telecommute days, as allowed by policy to those individuals who were not participating in the pilot telecommute program; 2) allow those on the pilot telecommute program to shift their one telecommute day within that same week; 3) allow employees to adopt a flexible work schedule as permitted by business needs and supervisor approval; or 4) allow employees to use available accrued leave as permitted by business need and supervisor approval.

During the second BART strike, supervisors and managers were tasked with ensuring that any individuals who worked remotely during these days had significant assignments to cover the full duration of the remote work period. Special BART telecommute logs were collected to account for the remote work time and to record the types of duties performed while working remotely.

Use of Work Logs

Individuals who participate in the pilot program are required to submit a weekly remote work log to the supervisor of the unit. This log includes a listing of the duties/tasks completed during the designated remote workday.

Sample Duties and Tasks Reported on Work Logs

Work logs have been collected from participants of the pilot program and those who worked remotely on an ad hoc basis during any of the special circumstances previously listed. The most common remote work duties or tasks reported included:

- Reviewing documents, researching (project based, legal research and data collection), analyzing data;
- Preparing for projects (presentations, timeline development, and curriculum development);
- Responding to communications (email and phone);
- Participating in conference calls; and
- Writing and editing reports.

Duties specific to a particular office were also listed, but were less common on the logs. The HRSO reviews the logs regularly and contacts individual supervisors with any questions or concerns regarding the content of the log or the duties/tasks performed. Supervisors and managers who had participants in either the pilot program or the ad hoc program were satisfied with both the quality and quantity of work provided during the remote work periods.

Policy and Cost Implications

It was determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring direct supervision were not allowed to participate in pilot telecommute program, as the essential duties of their positions required their presence at the workplace.

Part-time Employees

For employees on a part-time schedule—as they are already unavailable one to three days per week—any additional time out of the workplace would further affect productivity.

Employees Acting in a Senior-level or Lead Capacity

Employees in a senior-level role—which involves regularly interacting with staff, sharing their knowledge and skills, and providing guidance—are critical to the daily operations of the AOC. Working remotely inhibits the ability of a person in this role to provide onsite guidance and face-to-face interaction.

Employees Requiring Direct Supervision

Most classifications identify the amount of supervision expected during the workday. If the phrase “works under direct supervision” is listed in an employee’s job classification, then that employee is expected to be present in the workplace to provide customer support under the guidance of the lead or supervisor. Additionally, if an employee’s regular presence in the workplace is integral to the functions of the unit, it is likely that the application will be denied by the Administrative Director.

Summary of Findings

- In the initial application period (March 1, 2013, through March 29, 2013) there were 105 applications received from employees, with a desire to telecommute one day per week.
- Upon review of those applications, the Administrative Director made certain policy determinations, as outlined in the *Policy and Cost Implications* section above, resulting in the approval of 63 of the applications for participation in the program and the denial of 42.
- As a result of feedback from the Management Council, the Administrative Director directed the HRSO to provide all offices with an updated application process—incorporating the policy determinations that would be utilized moving forward. Application packets were sent to all members of the Management Council on May 29, 2013.
- All new and resubmitted applications included a detailed job description listing the job duties that could be effectively performed remotely.

As a result of this amended process, one new application was submitted and five employees¹ resubmitted their applications to telecommute. Based on the application materials, recommendations from the supervisor, office leader and the HRSO, all six individuals were approved by the Administrative Director for one day per week telecommuting, in accordance with the pilot program parameters. These additional approvals resulted in a total of 106 applicants, 69 approvals and 37 denials.

¹ These five employees were originally denied from participating in the Pilot Program.

Pilot Remote Work (Telecommute) Program Results

As of September 3, 2013, 69 individuals have been approved to telecommute through the pilot program, representing approximately 9.6 percent of current AOC staff. The chart below illustrates the number of participants from the various AOC offices:

OFFICE	# OF APPLICATIONS	APPROVED	DENIED
Center for Families, Children and the Courts	29	16	13
Center for Judiciary Education and Research	12	10	2
Court Operations Special Services Office	8	4	4
Criminal Justice Court Services Office	5	4	1
Human Resources Services Office	1	1	0
Information Technology Services Office	23	14	9
Judicial Council Support Services	1	1	0
Legal Services Office	10	8	2
Office of Real Estate and Facilities Management	2	0	2
Trial Court Administrative Services Office	12	9	3
Trial Court Liaison Office	3	2	1
TOTALS	106	69	37

Ad hoc Telecommuting Results

The chart below details the usage of ad hoc telecommuting by office over the first six months of the program:

Office	March	April	May	June	July	Aug	TOTAL
Information Technology Services Office	2	3	2	5	4	6	22
Center for Families, Children and the Courts	2	5	1	9	9	9	35
Center for Judiciary Education and Research	6	7	3	1	3	7	27
Trial Court Administrative Services Office	0	5	6	7	14	8	40
Court Operations Special Services Office	0	2	2	5	4	6	19
Legal Services Office	1	3	4	2	5	5	20
Human Resources Services Office	3	3	5	2	0	6	19
Trial Court Liaison Office	0	0	0	2	0	0	2
Criminal Justice Court Services Office	0	1	0	0	0	0	1
Internal Audit Services	0	0	2	0	0	0	2
Fiscal Services Office	1	1	0	0	0	1	3
Judicial Council Support Services	0	1	0	0	0	0	1
Executive Office	0	0	1	0	0	0	1
Totals	15	31	26	33	39	48	192

The average ad hoc telecommute usage among the entire AOC has averaged approximately 32 days per month, representing less than 1 percent of staff work time spent ad hoc telecommuting.

Ad hoc Telecommuting Related to the BART strikes and Bay Bridge Closure

The chart below shows the utilization of the special ad hoc remote workdays during the BART strikes and the Bay Bridge Closure:

Office	Special BART Strike (July 2013) Ad Hoc	Special Bay Bridge Closure Ad Hoc	Special BART Strike (Oct 2013) Ad Hoc ²
Information Technology Services Office	48	3	12
Center for Families, Children and the Courts	30	2	7
Center for Judiciary Education and Research	17	0	8
Trial Court Administrative Services Office	0	1	1
Court Operations Special Services Office	18	3	4
Legal Services Office	15	3	2
Human Resources Services Office	10	5	7
Trial Court Liaison Office	8	0	2
Criminal Justice Court Services Office	7	0	7
Internal Audit Services	5	0	0
Office of Security	4	2	0
Fiscal Services Office	2	0	1
Office of Real Estate and Facilities Management	3	0	0
Office of Communications	1	0	0
Totals	168	19	51

Next Steps

The HRSO will continue to review the telecommute logs to monitor appropriate quantities of work and the types of duties/tasks performed.

The HRSO will continue to review and make recommendations to the Administrative Director for any new applications requesting to participate in the pilot program.

Regular reports will be provided to the Administrative Director on the number of employees participating in the program, both on the Remote Work (Telecommute) Program and the Ad Hoc Telecommute Program.

Future reports will include any special circumstances affecting employees' commutes.

Attachments

1. Policy 8.9 - Working Remotely (Telecommuting)
2. REVISED Policy 8.9 - Working Remotely (Telecommuting) Pilot Program

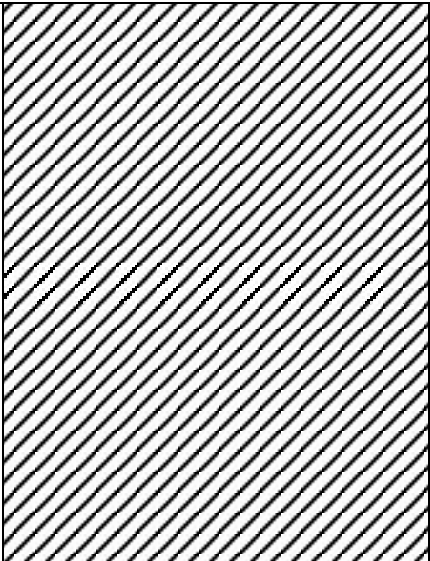
² Offices with zero instances did not have any reportable data submitted by the October 31, 2013 deadline.

Summary of Changes to Policy 8.9

The following chart summarizes revisions to Policy 8.9 and describes the controls and tracking mechanisms used in the more restrictive regular and ad hoc pilot programs.

	Regular Pilot Telecommute Program	Ad Hoc Telecommute Program
Defined eligibility requirements.	The AOC Executive Office restricted application of the program in comparison with the previous program and determined that part-time employees, employees acting in a senior-level or lead capacity, and employees requiring general supervision would not be allowed to participate in the pilot telecommute program as the essential duties of their positions required their presence at the workplace.	The AOC Human Resources Services Office reviewed requests to ensure that employees who were participating in the regularly scheduled remote work program were not, at the same time, working from home on an “ad hoc” basis.
Lower utilization rates.	With the implementation of the regular pilot policy, the AOC experienced a 33 percent decrease in telecommute participants from 2012 and an approximate 42 percent decrease in the number of telecommute days utilized per month.	The previous ad hoc program was not measured. In the current pilot program, the average ad hoc telecommute usage within the entire AOC has averaged approximately 36 days per month, representing less than one percent of staff work time spent ad hoc telecommuting. Well more than half of that usage occurred during three disruptive events in the Bay Area.
Centralized application and review process allowed for consistent application of the policy throughout the AOC.	In the previous policy, division directors were given the authority to approve or deny participation. Under the new pilot program, the decision is made by the Administrative Director. The AOC received 105 applications for the regular pilot program. Upon review, the Administrative Director made certain policy determinations, resulting in only 65 employees currently participating in the program.	New to the pilot program, each office leader reviewed and approved each request for ad hoc telecommuting.

Attachment E:

<p>Arming managers and supervisors with the tools necessary to address special circumstances.</p>		<p>During special circumstances in the past, division directors had the discretion to offer employees various options, which contributed to inconsistencies.</p> <p>When special circumstances occurred during the pilot period that required exceptional considerations, the Executive Office further defined consistent parameters agency wide of the ad hoc program to allow for flexibility while operating within the parameters of the policy.</p>
<p>Tracking and monitoring.</p>	<p>Participants submit work logs to their supervisors for review on a monthly basis. Work logs may be audited at any time to ensure that the duties performed while telecommuting are appropriate and sufficient for a full day's work.</p>	<p>The centralized review process allowed tracking of the utilization of the ad hoc remote work days. The AOC Human Resources Services Office examined patterns of usage and potential usage by employees who were not qualified to ad hoc telecommute.</p>

~~Pilot Program Policy~~
Number: 8.9

Title: Working Remotely (Telecommuting) ~~Pilot~~ Program

Contact: Judicial and Court Administrative Services Division,
Human Resources Services Office

Program Statement: The AOC's Remote Work Program authorizes employees to work from home only when doing so is consistent with business needs and the employee's job functions, as authorized by the Administrative Director.

Contents:

- (A) Purpose of Remote Work Program
- (B) Regularly Scheduled Remote Work
 - (1) Applicability
 - (2) Request and Approval Process
 - (3) Remote Work Schedules
 - (4) Remote Work Log
- (C) Ad Hoc Remote Work
- (D) The Home Office
 - (1) Work Environment
 - (2) Office Equipment
 - (3) Information Security
 - (4) Health and Safety
- (E) Other Employee Rights and Responsibilities
- (F) Termination and Renewal of Remote Work Assignment

(A) Purpose of Remote Work Program

When consistent with business needs and the employee's job functions, the AOC provides employees with a remote work option. Employees participate in the remote work program when, on a periodic basis, during their scheduled work hours, they perform their usual job duties from home. The terms "working remotely", "work remotely", and "remote worker" as used in this ~~pilot~~ program refer to the performance of usual job duties at home. Home locations for purposes of this ~~pilot~~ program shall be in the state of California.

Suitability to participate in the remote work program is based, in part, on an employee's job classification and the nature of the work to be performed by the employee. Those factors alone may compel disapproval of an application to participate in the remote work program.

The AOC recognizes the potential organizational and personal benefits available through a carefully planned and managed remote work program. Both the state and federal government have recognized the positive impacts of remote work programs that include reductions in air pollution, traffic congestion and the costs of highway commuting. Additionally remote working can provide employees with more flexibility in their schedules resulting in increased productivity and employee morale.

This ~~pilot~~ program covers two types of remote work options:

(1) Regularly scheduled (which allows employees to work from home on a regular, ongoing basis, as described in Section (B) (3) of this ~~pilot~~ program), and

(2) "Ad hoc" (occasional, one-time approval to work from home, as described in Section (C) of this ~~pilot~~ program).

Employees working in more than one location, other than the home, due to work-related travel, and/or working from multiple AOC offices or court locations, are considered to be working in the office. This Remote Work ~~Pilot~~ Program does not apply to that activity.

Requests to work from home as a reasonable accommodation for a disability will be evaluated consistent with applicable law. Such requests should be directed to the employee's supervisor and approved by the Human Resources Services Office (HR), Integrated Disability Management Unit.

(B) Regularly Scheduled Remote Work

(1) Applicability

Only ~~non-supervisory full-time~~ AOC employees (regular or temporary, ~~full-time or part-time~~, exempt or non-exempt) not serving in a supervisory or lead capacity or whose job description does not require general supervision may apply to participate in the remote work program on a regularly scheduled basis.

(2) Request and Approval Process

An employee may initiate a request to participate in the remote work program on a regularly scheduled basis by submitting a completed [Remote Worker Self-Assessment](#) and [Remote Work Application](#) to his or her supervisor. The supervisor will review the request and make a recommendation to the office leadership. Office leadership will submit the request with a recommendation to Human Resources. Human Resources will review the request to ensure that the application meets all applicable ~~pilot~~ program criteria. HR will submit the request with a recommendation to the Executive Office for consideration. Approval of a remote work arrangement is at the discretion of the Administrative Director or designee.

Step 1 – Office Leadership Review

A request to participate in the remote work program must be reviewed by the employee's office leadership, who will determine if the employee, while working from home, can perform all of the duties and responsibilities of the position in a manner that meets the needs of the organization. When considering a request to work from home, all of the following factors will be considered:

- Nature of Work
The type of work performed by the employee.
- Quantity of work

How much work can get done from home?

- Quality of work
How well can the work be completed from home?
- Timeliness
Can timelines be met when working from home?
- Ability to handle multiple priorities
Is it possible to successfully multitask when working from home?

Employees must also demonstrate suitability of the proposed home work environment.

Employees with performance, attendance, or other work-related deficiencies, or whose jobs by their nature are not suitable for remote work, will not be approved for a remote work arrangement.

Office leaders are expected to review each application with the expectation that services not be impacted as a result of telecommuting. As such, each office must strive to achieve a balance in ensuring that employees are readily available at all times.

Step 2 – Human Resources Services Office Review

Completed remote work applications reviewed by the originating office's leadership shall be submitted to HR for additional review.

HR will review applications to ensure that signatures have been obtained; the agreement is consistent with the parameters of AOC policies and procedures; and the employee's duties and responsibilities align to the five factors noted previously. HR will also consider the following when reviewing applications:

- Requested telecommute day
What is the requested telecommute day and are there coworkers telecommuting?
- Current division and unit balance
How many pilot program participants does the office currently have in relation to office and unit totals?
- Ability to handle scheduled and unexpected leaves
Will the office have coverage in times of scheduled days off or unexpected absences?
- Performance Improvement Plan (PIP)
Is the employee currently on a PIP? Has the employee had past performance issues?

Any remote work agreement that is not complete, does not have all required signatures, or is outside of the scope of the ~~pilot~~ program will be returned to the originating office for review. Remote work schedules may not begin until the remote work agreement has been approved by the Administrative Director or designee.

Step 3 – Administrative Director or designee’s review

The Administrative Director or designee will review the remote work agreement and determine whether to approve or deny. If the remote work agreement is approved, HR will notify the Office Leadership of the approval and a start date can be coordinated with the employee.

(3) Remote Work Schedules

[Employees Full-time employees](#) (excluding [leads](#), supervisors, managers, assistant directors, and directors) may be approved to work from home on a regularly scheduled basis as follows:

- During the first 12 months of employment, employees are not eligible to participate in the remote work program.
- After 12 months of employment, employees are eligible to request to work from home up to a maximum of one day per week in any given week.

If approved, the remote work schedule applicable to a particular employee will be set by the supervisor before remote working begins. Remote workers must be available during the standard workday from 8 a.m. to 5 p.m., Monday through Friday (Hours of Work, policy 4.4(A)), or alternative schedule as approved by their supervisor, to the same extent as if working in the office. The remote work schedule may be modified, with supervisor approval, as needed:

- The remote work assignment may be suspended or terminated at any time, for any reason at the discretion of the office leadership. If a remote work assignment is suspended or terminated the HR work coordinator must be notified immediately.
- If an employee is needed in the office on a regularly scheduled remote work day, the employee must forgo the remote work day. Employees cannot “make up” missed remote work days.
- Remote workers must request approval for time off in the same manner as if not working from home.
- With prior approval, remote workers may attend medical, dental, and business appointments on remote work days.
- For non-exempt employees, any overtime work must be authorized in advance and in writing ([Hours of Work, policy 4.4\(C\)\(1\)](#)).

(4) Remote Work Log

AOC employees approved for a regular remote work schedule must complete a [remote work log](#) for each day that they work from home. The remote work log must be provided regularly to the supervisor for review of work progress during remote work days. Employees who do not satisfactorily complete a remote work log or their assignments during remote work days may have their remote work assignment suspended or terminated at the discretion of the office leadership.

(C) Ad Hoc Remote Work

An employee of the AOC (including [part-time employees, leads](#), managers and supervisors) may alternatively be approved to work from home on an “ad hoc” basis (i.e., not on a regular basis), which may arise due to [special projects, extenuating circumstances such as](#) the demand for expedited work products, or other business or personal needs. The employee’s office leader may approve ad hoc work from home on a case-by-case basis. Each office will submit a monthly report of ad hoc remote work to the HR remote work coordinator. Quarterly reports will be submitted to the Administrative Director. Approval to work remotely on an ad hoc basis does not require submission of the forms referenced in Section (B)(2) of this ~~pilot~~ program and does not confer eligibility to work from home on a regularly scheduled basis.

~~“Ad hoc” remote work occurrences are limited to two days per month in any given month. Intended to provide an ability to work remotely during special circumstance situations and are not meant to supplant the remote working program. “Ad Hoc” remote work situations are limited to a maximum of two days per month in any given month. Quarterly reports are provided to the Executive Office for review. Unusually high utilization or patterns of usage by an office or an individual may result in suspension of the “Ad Hoc” opportunity at the discretion of the Administrative Director.~~

Employees who are participating in the regularly scheduled remote work program may not, at the same time, work from home on an “ad hoc” basis.

The supervisor or manager recommends approval of the ad hoc remote working-

request and submits to his or her office leadership. Office leadership ~~may approve the ad hoc remote work and record the usage on~~ shall submit a monthly [usage](#) report ~~that will be submitted~~ to HR. HR will collect that data and provide quarterly utilization reports to the Administrative Director.

(D) The Home Office

(1) Work Environment

Remote workers are responsible for maintaining a safe and productive work environment. Dependent care arrangements must be made so as not to interfere with work. Personal disruptions must be limited to the same extent as when working in the employee’s primary work location.

(2) Office Equipment

The AOC will provide a laptop, subject to availability, for purposes of working from home. Maintenance, repair, and replacement of AOC-owned equipment issued to remote workers is the responsibility of the AOC. The remote worker, however, must provide adequate care and protection of the equipment. [\(Use of AOC Property, policy 8.8\(B\)\)](#). In case of equipment malfunction, the remote worker must notify his or her supervisor immediately. Expenses for purchases, supplies, and repairs to personal equipment will not be reimbursed. Remote workers must restrict access to AOC-provided office equipment from family members and others.

The remote worker must also observe the following:

- The remote worker is responsible to provide appropriate Internet connectivity in order to perform work duties. DSL or cable-based service is normally acceptable for this purpose.
- AOC-issued laptops must be brought into the office a minimum of once per month, and as requested, to assure the necessary technology and security updates are installed. The Information Technology Services Office does not provide technology support for use of personal equipment for working from home.
- Any software installed on AOC-issued laptops remains the property of the AOC and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.
- Upon termination of a remote work assignment or employment, or when requested by the supervisor, the employee must return all AOC property, including software.

Computer support for remote workers is available from the Information Technology Services Office Helpdesk during the hours of 7:30 a.m. – 6:00 p.m. Remote workers may request assistance by submitting an on-line service request to the AOC Service Portal, or contacting the HelpDesk at (415) 865-4080 or helpdesk@jud.ca.gov.

(3) Information Security

Network and information security are important considerations when working from home. Remote workers are expected to maintain the security, privacy, and confidentiality of information when working at the home work site or transporting data to and from work sites, including:

- Remote workers must follow all organizational data retention, backup and security procedures.
- Remote workers must restrict access to confidential and personal information from family members and others. (Use of AOC Property, policy 8.8(D)).
- Access-restricted material and data must remain secured, and cannot be taken out of the official work location without supervisory approval.

Some AOC applications will be restricted to on-site access for security reasons. Other data may be unavailable to remote workers for technical reasons. For example, remote access to network drives is only available to employees approved and provided resources for access.

Remote workers must report any potential breach of AOC information security immediately to the Information Technology Services Office HelpDesk.

(4) Health and Safety

Remote workers are responsible for ensuring that their home offices comply with health and safety requirements. The AOC may decline an employee's request to work from home or may terminate a remote work assignment based on safety considerations. The home office may be inspected by the AOC, by appointment, for compliance with health and safety requirements.

If an employee incurs a work-related injury while working from home, workers' compensation law and rules apply. Consistent with [AOC's Workers' Compensation Insurance, policy 6.6](#), employees must immediately notify their supervisor, or if their supervisor is not immediately available, the Human Resources Services Office, Integrated Disability Management Unit, of any work-related injury and complete all required documents.

(E) Other Employee Rights and Responsibilities

Remote workers maintain the rights and responsibilities set forth in AOC policies and procedures to the same extent as if not working remotely. In particular, employees must comply with [Technology Use, policy 8.6](#) and [AOC Computer Use Best Practices](#).

(F) Termination and Renewal of Remote Work Assignment

Participation in the remote work program is voluntary and it is a privilege. Either the employee or the AOC may terminate participation in the remote work program at any time, for any reason or no reason at all. Failure to abide by the policies and procedures set forth in this ~~pilot~~ program may result in immediate termination of an employee's remote work assignment. Any suspension or termination of a remote work assignment must be immediately reported to HR.

It shall be the continuing duty of the office leadership in each office, in which one or more employees telecommute, to assess the performance of each such employee by adhering to the terms, conditions, and standards of this ~~pilot~~ program.

Approval to participate in the remote work program is only valid for the fiscal year in which it is approved. Remote Work Applications must be renewed and approved by the Administrative Director or designee each fiscal year, on or before June 30, as well as when there is a change in the remote worker's or supervisor's position, or any other change that may impact the remote work arrangement. Remote workers who wish to continue their current remote work arrangement without modification are only required to complete the ~~Remote Work Application form (Attachment H)~~ [Remote Work Application form \(Attachment I\)](#) to request renewal. A remote work arrangement must not be continued when it does not meet the business needs or help accomplish the mission of the AOC.

All regularly scheduled remote work arrangements, [including renewals](#), must be approved by the Administrative Director or designee [prior to commencement of the remote work schedule](#). Approval to participate in the remote work program is based on specific criteria considered by the employee's office leadership and the Human Resources Services Office, on a case-by-case basis. As circumstances may change over time, employees previously participating in the remote work program are not assured of a remote work assignment when returning from a leave of absence or after a job transfer.