CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE

ADMIN 0620-24-68 LGL 2024-0031

TITLE: **Telecommuting** EFFECTIVE DATE: August 1, 2024 REVISION DATE (NOT APPLICABLE)

1.0 GENERAL

1.1 As an employer, the City of Spokane is committed to attracting and retaining a diverse and talented workforce that reflects our community. Telecommuting is an arrangement and privilege that allows eligible City of Spokane employees to work in a designated area outside of their normal work location. Telecommuting offers many benefits to employees, the City and the community to include, increase in recruitment and retention, increased productivity, efficient use of City resources, improved employee morale and job satisfaction, reduced employee commute time and costs, decreased air pollution, traffic, parking congestion, and local transit overcrowding, which helps to change the City's carbon footprint.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

2.1 This policy shall apply to all eligible City of Spokane employees in all divisions and departments except for those employees who hold positions whose main essential functions cannot be effectively accomplished away from a City designated workplace. Department heads and designated supervisors and managers are encouraged to make telecommuting or a hybrid work option available to eligible City of Spokane employees in their departments if it is mutually beneficial.

2.2 This policy does not apply to those employees who telework as a temporary or permanent reasonable accommodation, are out for medical reasons, or who are on paid administrative leave, or reassignment at home pending the completion of an investigation.

3.0 REFERENCES

Americans with Disabilities Act (ADA), Admin 0620-13-64 Reasonable Accommodation, Admin 0620-06-32 Family Medical Leave Act, Admin HR-23 Washington State Paid Family Medical Leave, Admin 0620-20-68 Unpaid Leave of Absence, Admin 0620-13-20 Telephone Usage, Admin 0620-05-54 Email, Admin 0620-23-55 Internet Access, Admin 0620-06-56 Information Security, Admin 5300-17-06 IT Software, Admin 5300-13-04 IT Equipment, Admin 5300-13-05 Rest Periods and Meal Periods, Admin 0620-05-40 Workers Compensation Claim Reporting, Admin 5800-10-03 42.56 RCW Public Records Act 40.14 RCW Preservation and Destruction of Public Records

4.0 DEFINITIONS

- 4.1 City means City of Spokane, WA.
 - a. City Workplace: City of Spokane owned or operated building or site where City employees regularly perform the duties of their position.
 - b. Regularly Assigned City of Spokane Workplace: one of the predetermined, pre-approved workplaces an employee is required to perform the duties of their position from on a regular or recurring basis. Regularly assigned workplaces can be City of Spokane workplaces or remote workplaces and are documented in an employee's *Telecommuting Agreement*. Telecommuting employees may have multiple regularly assigned workplaces, typically their home and at least one City of Spokane workplace.
 - c. Telecommuting: a work arrangement where an employee performs the duties and responsibilities of their position from a remote/satellite location for all or part of their regular work week.
 - d. City Equipment: equipment, software, or supplies owned and provided by the City that are for City business only.
 - e. Telecommute work schedule: the employees normal core working hours of days and times when teleworking will occur.

- f. Telecommuting eligibility: telecommuting is based on both the employees' position and the employee. Not every job or every employee will be eligible for telework.
- g. Eligible Position: An eligible position is defined as a position that can be performed remotely, without impacting customers, other employees, service quality, or City organizational operations. This does not include positions where the duties must be performed at a City designated work location.
- h. Hybrid work: A hybrid work schedule is one where an employee teleworks part of the week of their weekly scheduled hours at a remote location and also at a City designated work location.
- i. Non-Exempt Employee: An employee who is compensated on an hourly or salary basis for each hour of work performed, including time worked beyond forty (40) hours in a work week and who is overtime eligible.
- j. Exempt-Employee: An employee who is not covered by the Fair Labor Standards Act (FLSA), who is not overtime eligible, and who regularly receives a predetermined salary amount each pay period.
- k. Department Head: The appointed head of the department or the designated manager or supervisor.
- 5.0 POLICY
 - 5.1 The City of Spokane supports telecommuting and hybrid work schedules as a work arrangement that strengthens the resiliency of our workforce and connectivity to our customers. At the same time, because of the breadth and depth of the City's services and responsibilities, telecommuting levels will vary and may not be an option for every department, line of business, team, or individual employee. City departments shall manage their workforce in accordance with this policy and implement consistent and equitable telecommute procedures for those eligible employees whose duties can be managed remotely. This policy shall supersede all existing telecommuting language and telecommuting procedures as outlined in the *City of Spokane's Commute Trip Reduction (CTR) Program policy, Admin* 0620-13-41.
 - 5.2 All City of Spokane employees who wish to telecommute must meet and maintain eligibility requirements for telecommute work and are subject to the basic duties, responsibilities, obligations of City employment and are expected to adhere and comply to this policy and all other City of Spokane policies.
 - 5.3 Telecommuting or hybrid work agreements will be approved only if the employee has a portion of their workload that can be accomplished outside of the workplace.

- 5.4 Each City department may develop additional teleworking requirements, guidelines, or procedures, provided they are consistent with the intent of this policy and approved by the Human Resources Director and Risk Management prior to implementation.
- 5.5 Because the City of Spokane is a public employer, whose taxpayers pay its employees' salaries, it is important that City of Spokane employees work near the region they serve. Therefore, all telecommuting employees must work within a 100-mile radius of their assigned City workplace, which shall be preapproved by the employee's supervisor or manager as part of the Telework Agreement.
- 5.6 Employees who wish to temporarily telecommute for a period not to exceed twenty-nine (29) days from a location outside of the 100-mile radius of their assigned workplace, but within Washington or Idaho, shall submit a written request with a compelling reason to the department head, Human Resources Director and the Chief Financial Officer.
- 5.7 The Human Resources Director, in conjunction with the department head and the Chief Financial Officer, will evaluate out-of-state telecommuting requests, other than Idaho, on a case-by-case basis. Out-of-state telecommuting requests must not only benefit the employee but also the City. Approval will only be granted in cases of extraordinary circumstances and, therefore, such approvals will be rare. The approval or denial of individual requests shall be provided to an employee in writing by the Department Director.
- 5.8 Employees approved to temporarily work remotely in another state are responsible for verifying that their home (primary) address is accurately reflected in the City's payroll system of record. Taxes, payroll deductions, and the applicability of other state and federal labor and employment laws may be different depending on the state where the work is being performed. Whether an individual is subject to income tax in a particular state is typically driven by tax residence. Each state's income tax and withholding requirements vary significantly and may be based on both personal residence and/or work location. Employees are encouraged to familiarize themselves with the residency requirements and tax laws of any proposed out-of-state work location and to notify the City's payroll department of the location where they will perform their work, prior to assuming any out-of-state telework.
- 5.9 It is the City of Spokane's sole discretion to determine which states it will establish municipal operations. Careful consideration must be taken to ensure out-of-state telework meets applicable state, federal and local compliance laws, and regulations. Before a telecommuting request is

submitted for out-of-state work, employees and managers should be aware and understand in addition to other telecommuting considerations, there are other impacts when an employee telecommutes from another state as follows:

- Paid Family Medical Leave or state sick leave: Employees who work in a state outside of Washington may be covered by a similar program in the state in which they work.
- Out of State Tax Withholding: Both the employee's work location and the location of the employee's residence may trigger higher or different state withholding, depending on state law.
- Wage and hour laws: Compensation for out-of-state remote employees follows the same compensation policies and guidelines as established by the City, the state, or the applicable collective bargaining agreement, regardless of the employee's work location.
- Local Income Tax: Some states may have a local income tax, which may subject an employee working out of state with additional income tax withheld.
- Workers Compensation: Workers Compensation laws may be different in other states and employees may not be protected under Washington Workers Compensation programs.
- *State Disability Laws:* Some states may have state disability laws different from Washington State.
- *Travel between locations:* The cost of voluntary travel to and from the City designated worksite from an out-of-state location is the responsibility of the individual employee. The City of Spokane will not approve an employee's request to temporarily telecommute from an international location, outside of the U.S.

6.0 TELECOMMUTING ELIGIBILITY

- 6.1 Department heads have discretion in determining whether a position and/or an employee is eligible for a telecommuting arrangement or hybrid work schedule. When evaluating a telecommute request, department heads should consider the specific "position" requirements as follows: the position is independent in nature; the position is primarily knowledge based; the position lends itself to deliverable measurables and the position supports internal and external City customer needs using methods other than face to face interactions. The position must also support the operational needs of the City and department. Additional telecommute or hybrid work eligibility considerations should include:
 - If both the needs of internal and external customers can be met without adverse impact, or additional cost to the City.

- Employees have a documented history of meeting or exceeding expectations on their performance.
- Demonstrated ability to follow all City of Spokane policies, procedures, and work rules.
- Be self-directed and accomplish job duties with minimal supervision.
- Be organized, self-motivated and highly disciplined.
- Communicate effectively with internal/external customers, City staff, supervisors and team members over the phone, email, Teams, or other virtual methods and meeting formats.
- The employee has a safe workspace that supports and is conducive to successful telework.
- 6.2 Whether the position or person is suitable for remote, or hybrid work is based on the nature of the job duties, employee readiness for telework, ability and aptitude and business operations. Management determinations should be made thoughtfully and thoroughly, not based on any one factor alone (cost savings, employee preference, etc.), and reviewed with the employee for any changes or updates at least quarterly. Determinations should also be made and in a consistent, fair, and transparent way that prioritizes equity and employee engagement. Management should also consider its ability to supervise or oversee the employee, considering the role of the employee's reliability and job performance.
- 6.3 Requirements for in-person attendance can override regular hybrid/ telework schedules. Managers should discuss with the employee the expectations of reporting to a City designated worksite on short notice in instances where in-person attendance is required (i.e., training, staff meetings).
- 6.4 Positions requiring in-person contact/customer service or that rely upon specific equipment supplies to work on-site, or for those positions where field work is required; may be excluded from consideration for telework or hybrid work arrangements.
- 6.5 Requests to work a hybrid work schedule will be considered between the supervisor or manager and the employee. The final determination shall be made by the employee's supervisor or manager. Since there is much to be gained by in-person collaboration, there is an expectation that an employee's hybrid work schedule would include three (3) full days per week on-site at their designated City work location. Three (3) full days of on-site workdays is the expectation however, the number of on-site workdays may be adjusted by the supervisor or manager after reviewing the hybrid work request with the employee. Management has the discretion to modify the number of workdays the employee is required to be on-site.

- 6.6 There may be circumstances in which a request for telework cannot be approved. In order to demonstrate consistency and equity within the department, the supervisor or manager must ensure the denial is explained to the employee and is based upon policy, impact on departmental operations, and/or the employee's past performance. There may also be times where the specific work of the position or employee may change over time due to workload demands, promotions, staff changes, special assignments, or other factors. Therefore, teleworking may be appropriate at certain times and not others.
- 6.7 Employee requests to telework as an ADA disability accommodation are managed through the Human Resources Department and the City's accommodation process. Employees should discuss concerns about accommodation related telework requests directly with Human Resources, and such requests may not be approved through the employee's supervisor.
- 6.8 The Telecommute Policy does not apply to temporary circumstances approved by the department head where an employee is working remotely in conjunction with a short-term absence from their regular work location for a period not exceeding a single workday.
- 6.9 Appeals of telecommuting denials will be reviewed by the City Administrator whose ruling shall be final.

7.0 DOCUMENTING A TELEWORK AGREEMENT

- 7.1 No telecommuting arrangement shall be approved until a Telecommuting Agreement has been completed and fully signed by all applicable signatories.
- 7.2 Telecommuting Agreements require mutual consent by both the City and the employee and can be revised or terminated at any time.
- 7.3 Teleworking Agreements shall be set up with an annual expiration date and to be reviewed on a quarterly basis to allow for a regular and a periodic review period by the supervisor and the employee.
- 7.4 Any changes to a Telecommuting Agreement or telework location must be made in writing and a new Telecommuting Agreement must be completed.
- 7.5 Telecommuting Agreements will be required for those employees who work a hybrid work schedule between their City designated work location and their remote location.

- 7.6 The employee's schedule, including days and hours, shall be outlined in the Agreement and in compliance with wage and hour laws, City policies and any applicable bargaining agreement. The teleworking employee will maintain the assigned schedule during the designated work hours.
- 7.7 The Teleworking Agreement will list all City owned equipment the employee will use to perform their job functions while teleworking.
- 7.8 When a Telework Agreement involves an employee whose employment position is represented by a labor union, the union shall receive notice of the request for the Telework Agreement and shall have an opportunity to review the agreement.

8.0 RESPONSIBILITIES

8.1 Employee Responsibilities

Teleworking employees are expected and required for all of the following:

- To follow all departmental procedures, processes, and work rules as if working on-site at their designated City work location.
- To follow all Information Technology policies.
- To provide their own appropriate workspace and office furniture. Employees are also expected to provide functioning Internet and phone service. The City will not provide reimbursement for home office expenses, or higher Wi-Fi internet connection speed.
- Required to maintain a safe work environment free from hazards and to ensure the work environment is also free from distractions and interruptions.
- Must be available during scheduled work hours by phone, email, or other specified means of communication with their supervisor, team members or others whom job-related communication is necessary.
- To assume the full responsibility for any loss, damage, or wear for their home office expenses.
- Shall take the appropriate safeguards to secure confidential data, information and access to City owned equipment or information, to include secure wi-fi connections.
- Must accurately report time; take breaks and meal periods as outlined in the applicable Collective Bargaining Agreement and WA state law; use telecommute hours to conduct only City business; follow the required process for reporting an absence, and arranging the coverage of on-site job demands that may arise on an employee's telecommuting day.

- Teleworking employees who are non-exempt (those eligible for overtime) will not work outside their established core working hours without the prior authorization from their supervisor.
- Telecommuting is not a substitute for child or elder dependent care. Employees are required to arrange for dependent care as if they were working on-site at their designated City work location. This includes to the extent required coverage for short notice returns to the worksite.
- Telecommuting is not a replacement for the use of leave and employees are required to use leave as they would if they were on-site working at their City designated work location to include, following the required processes and procedures for requesting vacation, comp time, illness, personal leave, or floating holidays.
- As a telecommuter's workspace is an extension of the City workspace, employees injured during the course and scope of performing their official duties shall immediately notify their supervisor and complete the necessary forms if injured in the course of teleworking.
- Telecommuting employees shall comply with all applicable City policies while working from their remote location.
- Teleworking employees acknowledge that equipment used for City business purposes (i.e., personal phone, laptop) is subject to public records laws and can be subject for inspection. All files, records, papers, electronic documents pertaining to city business shall become City property while teleworking and must be retained consistent with the state record and retention rules, public record laws and City of Spokane policies.
- Teleworking employees must maintain the same level of collaboration, communication and connectivity with their co-workers, supervisors, and customers as if they are working on-site at their City designated work location.
- Employees efforts during working hours should be solely to the benefit
 of the City of Spokane, and no other employment efforts should transpire
 during working hours. Employees should also be ever mindful to avoid
 dual employment conflicts of interest or impropriety and shall notify their
 supervisor of secondary employment that may impact their employment
 with the City.

8.2 Supervisor/Manager Responsibilities

- Before approving a telecommute or hybrid work schedule the supervisor or manager shall determine if the position and employee meets the eligibility criteria as listed in this policy.
- The supervisor or manager will determine the appropriate equipment needs for each telecommuting arrangement. The supervisor or manager will coordinate with the Information Technology Department to ensure the employee has the correct equipment, software or applications needed to effectively accomplish work assignments while teleworking

and to ensure that the equipment is updated, including software, as appropriate.

- The supervisor or manager shall identify, discuss, and provide performance expectations for telework with the employee.
- The supervisor or manager shall review the employee's work performance and attendance and provide timely feedback to the employee.
- The supervisor or manager shall discuss with the employee their work location (the employee's home) to ensure the telework environment will be successful.
- The supervisor or manager shall ensure the employee understands the expectations regarding records retention requirements and the safeguard of City owned equipment.
- 8.3 The Human Resources Department shall administer this policy.
- 9.0 APPENDICES
 - Telecommute Agreement

APPROVED BY:

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Mike Ormsby Interim Human Resources Director

Ma 18, 2024 15:54 PDT)

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Michael J. Piccolo City Attorney Jun 18, 2024

Date

Jun 18, 2024

Date

Jun 13, 2024

Date



CITY OF SPOKANE | TELECOMMUTE AGREEMENT

This document is intended to ensure that both the supervisor/manager and the employee have a clear, shared understanding of the employee's telework arrangement. Each telework arrangement is unique depending on the needs of the position, department, manager, and employee. In defining a telework arrangement, the employee and their manager are expected to evaluate the costs and benefits of telework, identify work expectations, and clearly communicate how performance expectations will be met.

This telecommute agreement is not a contract of employment, and does not create a binding working condition, and only lasts for the duration as outlined in this Telecommute Agreement. This agreement does not alter or supersede the terms of the existing City employment obligations. All telecommute and/or hybrid work requests require the pre-approval of the employee's supervisor or manager.

Employee Telecommute Information:

Employee Name:	
Position Title:	
Department:	
Manager:	
□ Non-Represented □ Represented/Union:	FLSA-Exempt (Salaried) Employee
	□ Non-Exempt/Overtime Eligible
Address where telework will be performed:	
Telework arrangement effective dates:	Start date. End date, if applicable. (Should be reviewed for continuance at least on a quarterly basis.)

Remote Work Justification:

A position and employee must be eligible for telework. If remote work is a temporary arrangement a few times per week, outline the justification and expectations around the transition from remote to onsite hybrid work below.

Employees Telework or Hybrid Work schedule and Work location:

Day of Week	Work Hours	Work Location
Sunday		
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		

Telework Expectations:

The general expectation for a telework arrangement is that the employee will effectively be productive and will accomplish all of their regular job duties, regardless of work location. The employee will also be required to be available, by phone, email, or other means during their scheduled work hours. The employee will follow all required laws, CBA agreements, City policies and federal and state regulations regarding lunch and meal periods (if applicable) and if overtime eligible, will not work overtime without the prior approval from their supervisor. Any time off request must be prearranged, preapproved, and requested through the appropriate channels as required by departmental policy, processes, CBAs, and City policy.

Specific performance expectations by the manager and employee for this telework arrangement should be summarized in the table below. Additional rows may be added on a separate sheet as needed.

Performance Expectations:

Supervisors/Managers should list below how work progress is communicated, and how productivity/performance will be managed and assessed (Example: daily or weekly check-ins, work summary status reports, etc.).

Expectations	Manager's comments and expectations	How expectations will be met

Security/Retention:

Each teleworking employee agrees to ensure the protection and safeguarding of any confidential information, City and City documents (in both physical and electronic format) accessible within their telecommute work site, including preventing unauthorized access to any City system or information. The supervisor/manager should list below any specific security or record retention requirements, and how safeguarding this data will be met.

List any Security or Retention Records Requirements	List safeguarding method (s)

Telework Arrangement Modification:

The telework agreement will be in effect during the duration of the timeframe of this agreement. Telework agreements for remote work should be renewed annually but reviewed quarterly. Temporary modifications to this agreement should be discussed between the employee and supervisor/manager. Changes or modification should be documented by revising this agreement. *This provision does not apply to telework arrangements made through the disability accommodation process.

Telework Review:

Specify a date to meet with employee and discuss the effectiveness of the telework arrangement.

Telework plan review date:	

Equipment and Technology Access:

The employee and supervisor/manager agree to work together to ensure that the alternate worksite is safe, productive, and technologically suitable. Specify any equipment or technology the employee will need to telework. In the event of equipment failure or service interruption, the employee must notify their supervisor or manager immediately to discuss alternate assignments or other work options.

Items provided by the City. Include serial numbers, City of Spokane inventory numbers, manufacture name and model numbers. Items remain the property of the City and may only be used for City business. City property must meet the expectations for information security and be properly secured. Please list all City owned equipment provided to the employee. Enter N/A if the item is not used.

Equipment	Provided by	Asset # (if applicable)
Laptop		
Docking station		
Computer		
Mouse		
Keyboard		
Monitor(s)		
Desk		
Desk chair		
Web cam		
Phone		
Headset/microphone		
Power strip/extension cord		
Printer		
Office supplies		
Ergonomic modifications (e.g., keyboard		
tray, glare filter, foot pad, etc.)		

Expenses:

The employee is responsible for the installation, repair, and maintenance of employee's personal equipment. The employee is advised to consult with the employee's homeowner's or renter's insurance policy agent regarding the coverage for the employee's personal equipment used for business to ensure coverage is adequate. The employee is also required to pay for this expense. The employee shall obtain from the City any office supplies, postage, faxing services or copying for the completion of their official duties. The City will only pay for a claimed expense which has been separately and expressly preapproved as follows:

Additional Teleworking Details:

Employee Policies and Procedures Acknowledgement:

Policy/Procedure	Employee initials
I have read and understand the City's Telecommute Policy, procedures, and processes.	
I have read and understand the City's telework work expectations and agree to comply with these expectations.	
I agree to ensure that my (primary) address and work location are accurately reflected in the payroll system (PeopleSoft) to ensure compliance with taxes, payroll deductions, and the applicability of other labor and employment laws if approved to work outside of Washington State (excluding Coeur D' Alene Idaho and surrounding communities).	
I understand if approved to work outside of the state of Washington and Idaho certain provisions covering work localized in Washington may be unavailable to me such as the Washington Paid Family & Medical Leave Program (PFML), Workers Compensation, unemployment insurance, sick leave, and other state employment programs.	
I understand working remotely imposes additional responsibilities on me as an employee, as outlined in this agreement or as prescribed by my manager.	
I understand that I am required to comply with all timekeeping and overtime regulations (including the approval of overtime) defined by state or federal law (e.g., the Fair Labor Standards Act), collective bargaining agreements and City policy.	
I agree that the performance of my assigned duties will occur at the approved remote work location listed in this agreement. If I need to change my remote work location, I will contact my supervisor/manager to notify them of the change.	
I understand the work I do working remotely remains subject to the State's records retention requirements, City policy and applicable regulations, including the Washington State Public Records Act RCW 42.56.	
I understand that I am covered by workers' compensation for job-related injuries that occur in the course and scope of the telework agreement and will immediately report to my supervisor an on-the-job injury.	
I agree to follow all City of Spokane Technology policies and the expectations of such policies.	
I will keep my computer password and all passwords secure and shut or lock my screen whenever I am away from my computer.	
I understand that my supervisor will discuss my remote work location with me to ensure that safety standards are met and that proper maintenance of City equipment is performed.	
I understand that I may be required to attend on-site meetings, with short notice where in person interaction is required on telework scheduled days.	
I understand if I am unable to work on a telework scheduled day, I will request the proper leave bank usage for that day per City policy, departmental processes and procedures, and the applicable CBAs.	
In order to effectively perform assigned tasks, I will protect the City's equipment against damage and unauthorized use used at my remote work location.	

Policy/Procedure	Employee initials
I understand that City's systems or information must be protected from unauthorized or accidental access, use, modification, destruction, or disclosure through the use of locked file cabinets and desks, regular password maintenance and other appropriate steps.	
I understand telework is not a substitute for child or dependent care and I will arrange for such care as if I was working at my City designated work location.	
I understand that normal remote technology help desk assistance will be available during normal business hours, and that requires a working internet connection. If the home internet or other non-City services prevent remote assistance, the employee is responsible for bringing the equipment in for assistance. City staff will not deploy to an employee's home location for service or to deliver or pick up equipment.	
I understand all City equipment, furniture, and technology devices must be inventoried with asset numbers as applicable as an addendum to the Telecommute agreement. Each department has annual responsibility to physically inventory equipment which may require it to be brought into the office for inspection.	
I understand telework is a privilege and not a right. I understand that my supervisor/ manager may stop my telework work arrangement at any time for any legitimate business reason. These include but are not limited to: 1) a change in business needs, 2) a determination by my supervisor/manager that my remote work is not in the best interests of the City, 3) that the quality of my job performance is declining and/or not meeting expectations, 4) a change in my needs, or 5) failure to abide by the City's telework guidelines stated above.	
I have been provided with a copy of the City of Spokane's Telecommuting Policy and Telework Agreemer understand the expectations for successful telework:	nt. I have read it and
Employee signature: Date:	
I agree to ensure that the above-named teleworking employee is provided with the resources, training, perforr equipment and supplies necessary for effective telework.	mance expectations,
Manager signature: Date:	
The required signatures below signifies agreement with the provisions in this Telecommuting Agreement and	within

the City of Spokane Telecommuting Policy.

Department Head/Division Director signature:	Date:
IT Director signature:	Date:
Chief Financial Officer signature:	Date:
Risk Management signature:	Date:
Union Representative signature:	Date:
Human Resources Director signature:	Date: