

MEMORANDUM OF AGREEMENT (MOA)**By and between the****City of Salem (City)****And the****AFSCME 2067 (Union)**

This Memorandum of Agreement (the MOA) is by and between the City of Salem (the City) and AFSCME Local 2067 (the Union) to address the application of APP 4.8 to the City's Department of Public Works (Department), as set forth more particularly below.

Nothing in this agreement shall constitute a waiver or modification of any provision of any memorandum of agreement, collective bargaining agreement, letter or other agreement between the City and the Union except as expressly set forth below.

Teleworking/Remote Work

The emphasis of the City's Remote Work Policy is to find a balance between flexibility and accountability, while taking advantage of the technology that matured during the recent pandemic. The goal of the MOA is to make sure that public resources are being used legally and appropriately and allowing the opportunity for remote work. The City and the Union share a vested interest in creating and maintaining a work environment and policy that is safe and provides reasonable access to remote work.

Remote Work

As outlined in APP 4.8 Remote Work Policy, the City of Salem considers remote working to be a viable, flexible work option for employees who meet eligibility criteria. Remote work may not be appropriate for all work assignments or job classifications and where an employee works in an eligible classification, remote work will be based on the employee's assigned duties and the effective performance of such duties as provided in APP 4.8.

Where an employee's duties can be successfully independently performed away from their primary duty station, an employee is eligible to submit the Remote Work Request and Workspace Checklist for remote work.

As a City of Salem employee who is approved to work remotely on either a regular or hybrid basis, the following City-wide Policy and Procedures will apply:

- APP 3.1 – Computer Hardware and Software Standards
- APP 4.8 – Remote Work Policy
- IT Technology Standards

These City-wide policies are supplemented by the Public Works Department: Work for Home Policies.

The City of Salem will provide employees authorized for remote work with equipment that is essential to their job duties. Employees will be issued a city-owned computer (laptop or desktop) or remote access to a desktop computer located within the City network capable of performing the required functions. Employees may make specific requests for a computer, desk or laptop, and accessories such as monitor/s, docking station, mouse, keyboard, headphones etc. With the supervisor approval and based on the number of remote workdays and nature of the work, the City will evaluate the need and may provide these accessories to the employees. The City reserves discretion as to what equipment is provided.

When working in a City of Salem office, the employee will be provided a workspace that will facilitate use of their assigned laptop (such as a docking station with all required peripheral equipment (monitor(s), keyboard, mouse, etc.) or a desktop computer with the same peripheral equipment.

Remote Work Request

Under APP 4.8, requests to work remotely may be initiated by an employee so long as the position's duties are suitable for remote work. Human Resources has determined eligible classifications as listed on the City's NeoGov list of classifications.

The APP 4.8 process for requesting remote work may be used by eligible Department employees seeking to vary the days of the week or alter the number of days (to be more or fewer days) required to work on-site from that set in the Department's Work from Home Policies, on either a temporary or regular basis.

After the supervisor determines whether the employee can independently effectively perform the duties of their assigned job classification remotely the request will be forwarded to the Department Director. The Department Director will review the application to ensure that the eligibility criteria are met, that the decision was arrived at fairly, and sufficient budgetary resources exist to meet the technology considerations for the remote work request. When an employee's request for remote work is denied, the reasons for the denial will be noted on the remote work request form. A copy of the request form, approved or denied, will be maintained in NeoGov, and an email notification is sent to the employee from NeoGov notifying them of the status of their request. All denials shall be reviewed by the City's Human Resources Department.

Remote work requests shall not be unreasonably denied. Supervisor decisions will be made as soon as possible, but in no case more than 10 working days after the employee's request.

Remote Work Rescission

The supervisor is responsible for monitoring the performance of employees working remotely. Evaluation of employee's performance will include regular interaction between the employee and the supervisor, to discuss work progress and problems.

If, in the judgment of the supervisor, an employee is not effectively performing assigned duties while working remotely, the remote work authorization may be revoked or modified with 5 working days' notice. For any rescission or modification in remote work arrangements to address business/operational needs, the employee will be given notice of no less than ten (10) working days. If an employee's remote work arrangement is rescinded or modified, the supervisor must provide a timely written explanation to the employee and their Human Resource Business Partner, documenting the reason(s) for the rescission.

The rescission or modification shall be effective at the end of the notice period, unless paused or rejected by the Human Resource Business Partner.

1. If there are extenuating circumstances that prevent an employee from returning to the office within the time period set above, the employee may request (of their Supervisor) a delay in returning to the office.
2. Remote work rescission or modification shall not be made in an arbitrary or capricious manner.
3. Employees who have either rescinded their remote work or had their remote work rescinded by the employer shall be eligible to be considered for remote work in the future.

General terms

1. The Department of Public Works "Work from Home Policies" dated May 27, 2022 will become effective October 17, 2022, and remote work employees will be expected to work from the office Tuesday, Wednesday, and Thursday as provided in the policy unless (a) specific alternative arrangements were previously agreed upon or set by their supervisor and Department Director, or (b) a remote work request for an exception is submitted and granted as described above in accordance with the policy and APP 4.8
2. This MOA expires June 30th, 2024.
3. The Parties agree that this MOA is non-precedent setting.

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- 4. The ADA accommodation process is outside of the remote work process and information can be found on the HR Internet page under forms
- 5. A copy of this MOA will be posted with the instructions for using the request for working remote form.

ON BEHALF OF CITY OF SALEM

ON BEHALF OF AFSCME LOCAL 2067

DocuSigned by:
X *Krishna Namburi* 10/10/2022
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Krishna Namburi, Director of Employee Services Department

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Kathy Knock, AFSCME President, Local 2067

DocuSigned by:
X *Jacob Downer* 10/8/2022
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Jacob Downer, AFSCME Council Rep , Local 2067