

**PORT OF NEWPORT
RESOLUTION NO. 2019-13**

A RESOLUTION ADOPTING A TELEWORK POLICY

WHEREAS, the Port of Newport Board of Commissioners By-laws states in section 2 that the Board of Commissioners shall adopt policies for the governance of the Port; and

WHEREAS, from time to time Port management recommends that an option for telework be made available as appropriate to Port staff to meet the needs of the Port; and

WHEREAS, the Port of Newport presently does not have an enumerated policy with regard to telework; and

WHEREAS, Port staff has prepared a Port of Newport Telework Policy document, attached hereto as Exhibit A, that outlines policies and procedures for telework;

NOW THEREFORE,

THE PORT OF NEWPORT BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:


Section I. The Port of Newport Telework Policy, attached hereto as Exhibit A, is hereby adopted by reference.

Section II. The Policies and Procedures may be modified by Resolution or may be modified administratively to follow best practices, for example, to update items to comply with Port Personnel Policy, or to incorporate new laws and rules.

Section II. Staff is directed to codify this policy according to past administrative practices.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this
24th day of September, 2019.

ATTEST:



Sara Skamser, President



GIK SYLVIA
COMMISSIONER



Telework Policy

*Adopted by Resolution 2019-____
9/24/2019*

Port of Newport Telework Policy

EXHIBIT A

PORT OF NEWPORT TELEWORK POLICY

Table of Contents

Chapter 1. General Provisions.....	3
1.1 Title.....	3
1.2 Definitions.....	3
1.3 Purpose and Scope.....	3
1.5 Interpretation.....	3
1.6 Severability.....	3
Chapter 2. Telework Provisions	3
2.1 Request and Consideration.....	3
2.2 Agreement.....	4
Chapter 3. Security & Logistics.....	5
3.1 Security.....	5
3.2 Logistics for Alternate Worksites.....	5
References	6

EXHIBIT A

Chapter 1. General Provisions

1.1 Title. This Policy and any amendments hereto shall be called, collectively, the Port of Newport Telework Policy.

1.2 Definitions. As used in this Policy, the following terms are defined as follows:

- (a) **Central worksite:** The traditional office, official workstation, or workplace.
- (b) **Suitable:** Positions that have limited need for direct supervision and access to hard copy or electronic files, limited need for face-to-face contact with other employees, clients, and customers, and limited need for access to the Port's resources.
- (c) **Alternate worksite:** A worksite alternate to the central worksite, in the employee's home or in a building owned or leased by the state, or in a mutually agreed upon location.
- (d) **Teleworking:** A mutually agreed upon work option between the Port and the employee in which which the employee works at an alternate worksite on an occasional, irregular basis with the remainder of their time at the central worksite.
- (e) **Authorized User:** An employee or third party whom an authorized manager requested access be granted to the Ports computer system and such access was set up by an authorized party.

1.3 Purpose and Scope. The purpose of this policy is to establish guidelines and procedures for teleworking by Port employees.

1.4 Variances. The General Manager shall have the discretion to vary or modify the strict application of the provisions of the policy in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships.

1.5 Interpretation. If any section or part of this policy is found to be inconsistent with any laws of the State of Oregon or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be interpreted in the manner most consistent with its original intent that is not inconsistent with any laws of the State of Oregon or the United States or any rules, regulations or standards established pursuant thereto. Nothing contained in this policy shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.

1.6 Severability. Should any portion or the application thereof to any person or property be found invalid for any reason, the validity of the remainder of these provisions or the application of such remainder to other persons or property shall not be affected.

Chapter 2. Telework Provisions

2.1 Request and Consideration

- (a) Teleworking is a privilege and may be a work option for some positions.

EXHIBIT A

- (b) Employees may request to telework. In deciding whether to accept or deny an employee's request, the supervisor may consider a number of factors, including, but not limited to, the following:
 - (1) If the position is suitable for telecommuting or teleworking.
 - (2) If the employee consistently demonstrates work habits that are well-suited to teleworking, including, but not limited to self-motivation, self-discipline, the ability to work independently, the ability to manage distractions, the ability to meet deadlines, and a demonstrated record of meeting established performance expectations.
 - (3) Whether approval or denial of the request is a consistent application of the policy throughout the Port.
 - (4) Whether a teleworking arrangement will meet the Port's business or operation needs or a need of the Port's customers.
- (c) The supervisor may approve or deny the teleworking request. The Port's Directors and/or General Manager can assist supervisors who are uncertain about whether to approve or deny a teleworking request.

2.2 Agreement

- (a) Teleworking may be arranged by mutual agreement between the Port and an employee. Unless otherwise provided in the agreement, either the Port or the employee may discontinue the arrangement at any time.
- (b) Teleworking employees sign and abide by an agreement between the employee and the supervisor. The employment relationship remains the same as for employees not working from an alternate worksite.
- (c) The Port has the discretion to approve employees working in alternate worksites when the worksite is in Oregon or in the same state as the central worksite. When an employee's alternate worksite is outside of Oregon, the Port must request a workers' compensation insurance assessment to determine if out-of-state workers' compensation coverage is needed. If additional coverage is needed, The Port arranges for the workers compensation coverage. If an assignment out of state will last more than 14 workdays, additional approvals may be required.
- (d) An employee's salary, benefits and employer-sponsored insurance coverage do not change as a result of teleworking.
- (e) Supervisors will monitor employee compliance with the teleworking agreement, relevant policies, performance standards, expectations for work products, productivity and time accountability. Employees must be available during established work hours. Absences (including unavailability during work hours) must be pre-approved. Employees must account for all time worked and use other leave, as appropriate, with prior management approval only. Supervisors may consider an employee's request to alter regular work

EXHIBIT A

hours on a telework day, if the alteration is necessary for the employee to accomplish assigned work tasks. Supervisors will discuss the employer's expectations with the employee such as assignments to be completed, timely response to e-mail and phone calls, etc.

- (f) Employees' work schedules must comply with the Fair Labor Standards Act.
- (g) Supervisors have discretion to determine whether to allow telework when an employee's dependents may be in the home during teleworking hours. If approved, time the employee spends caring for dependents, or time spent on other personal business, will not be counted as time worked. The employee must gain preapproval from management prior to using any accrued leave.

Chapter 3. Security & Logistics

3.1 Security

- (a) The supervisor will ensure that the employee can work at the alternate worksite without endangering Port information. The agreement must contain assurance that the supervisor and employee will follow Port policies related to information and data security. Complying with these policies mitigates risk and ensures an appropriate level of security for confidential information (paper and electronic) in transit or at the alternate worksite.
- (b) The supervisor will provide the employee with ongoing training on how to protect confidential information.
- (c) The Port will ensure that the employee has secure network access to the Port's systems and that devices used by the employee contain an appropriate level of security software and configurations. Port information stored on an employee's personal electronic equipment is subject to public records requests, and to review by the Port.

3.2 Logistics for Alternate Worksites

- (a) Employees are expected to have sufficient telephone arrangements to perform their work and to participate in telephone conferences during agreed-upon work hours.
- (b) Employees are expected to have sufficient Internet access if work assignments require use of Web resources in the performance of their duties while working at an alternate worksite.
- (c) Employees will not hold business visits or in-person meetings with a Port's customers or co-workers at the alternate worksite unless approved by the employee's supervisor.
- (d) The Port provides office supplies for the alternate worksite.
- (e) The Port may provide equipment and software for use at the alternate worksite. The equipment and software are for Port business only, and must comply with the Port's desktop security and maintenance policies and practices.
- (f) If the employee provides equipment and software, the employee provided equipment

EXHIBIT A

must comply with the Port's desktop security and maintenance policies and practices (when developed), and any additional safeguards required by the Port. Below are current expectations:

- (1) The Port will provide the software tools to connect the to the Port IT system, use of any other system is prohibited. Because proper configuration is important for secure use of these tools, mandatory configuration procedures will be provided for each of the approved tools.
 - (2) When accessing the Ports network from a personal computer, Authorized Users are responsible for preventing access to any computer resources or data by non-Authorized Users. Performance of illegal activities through the network by any user (Authorized or otherwise) is prohibited. The Authorized User bears responsibility for and consequences of misuse of the Authorized User's access.
 - (3) Authorized Users shall protect their login and password, even from family members.
 - (4) Users shall ensure the remote host is not connected to any other network at the same time, with the exception of personal networks that are under their complete control or under the complete control of an Authorized User or Third Party.
 - (5) Authorized Users connected to the Ports internal networks via remote access must use the most up-to-date anti-virus software.
- (g) **Note:** Port information stored on personal electronic equipment may be subject to Port review, public records requests and discovery.
- (h) The employee will provide home worksite furniture and equipment and should maintain a clean and safe workspace. The employee must immediately report to the supervisor any injury that occurs during work hours. The Port is not responsible for loss, damage, repair, replacement, or wear of personal property or equipment.

References

Reserved