

SANTA FE COUNTY

RESOLUTION NO. 2022-053

**A RESOLUTION ADOPTING A REMOTE WORK ARRANGEMENT POLICY AND REVOKING THE EMERGENCY ALTERNATE WORK ARRANGEMENT POLICY**

WHEREAS, on March 24, 2022, Resolution 2020-24, A Resolution Declaring Santa Fe County to be an Emergency Area as a Result of COVID-19; Authorizing, Subject to any Required Notification to and/or Negotiations With Unions, the County Manager to Modify the County Human Resources Handbook and Provisions of Collective Bargaining Agreements and Establish Emergency Policies in Response to COVID-19 Emergency; Ratifying Actions Previously Taken; and Authorizing Other Appropriate Measures, granted the County Manager authority to make such changes to County operations and polies as may be necessary or proper in light of the COVID-19 emergency; and

WHEREAS, utilizing the authority granted by Resolution 2020-24, the County Manager put in place the Emergency Alternate Work Arrangement Policy, establishing a process by which eligible employees could seek authorization to work remotely; and

WHEREAS, the Emergency Alternate Work Arrangement Policy was established as a temporary policy; and

WHEREAS, the availability of non-emergency remote work opportunities will assist in the recruitment and retention of a highly qualified workforce; and

WHEREAS, remote work promotes administrative efficiencies, such as reducing office and parking requirements; and

WHEREAS, remote work reduces traffic congestion and transportation costs, and decreased the use of fossil fuels; and

WHEREAS, the County desires to adopt a policy that establishes an individualized assessment of employee requests for remote work.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners that the Remote Work Arrangement Policy attached hereto as Exhibit A, is hereby adopted, to be effective on August 15, 2022.

**BE IT FURTHER RESOLVED** that the Emergency Alternate Work Arrangements Policy adopted on March 16, 2020, is hereby revoked and all Alternate Work Arrangements authorized pursuant to that policy will automatically terminate on the effective date of the Remote Work Arrangement Policy.

**PASSED, APPROVED, AND ADOPTED THIS 12<sup>TH</sup> DAY OF JULY, 2022.**

SFC CLERK RECORDED 07/19/2022

**BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE**

By: *Anna T. Hamilton*  
Anna T. Hamilton, Chair

**ATTESTATION:**

*Katharine E. Clark*  
Katharine E. Clark  
Santa Fe County Clerk



**APPROVED AS TO FORM:**

*Jeff Young*  
Jeff Young  
Santa Fe County Attorney

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COUNTY OF SANTA FE            )            BCC RESOLUTIONS  
STATE OF NEW MEXICO        ) ss        PAGES: 12

I Hereby Certify That This Instrument Was Filed for  
Record On The 19TH Day Of July, 2022 at 02:22:30 PM  
And Was Duly Recorded as Instrument # 1993280  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark

Deputy *Destiny Romero* County Clerk, Santa Fe, NM



## EXHIBIT A

### REMOTE WORK ARRANGEMENT POLICY

#### 1. **PURPOSE.**

- A. The purpose of this policy is to repeal the Alternate Work Arrangement Policy put in place to address the COVID-19 Pandemic, and to establish a process by which Eligible Employees can seek authorization to work remotely, while adhering to Federal, State and local laws, and applicable Santa Fe County (County) ordinances, regulations policies and directives.
- B. Remote work is appropriate for some employees and some jobs. It is not a right, entitlement or guaranteed County benefit.
- C. This policy is only for employees who desire to work remotely, and request and are approved to work remotely. No other terms and conditions of employment with the County are changed as a result of remote work, except as delineated on the Remote Work Request and Agreement Form and in this Policy.
- D. Standards, terms and conditions applicable to the employee's work will continue to be governed by any applicable collective bargaining agreement, the County Human Resources Handbook, the Santa Fe County Code of Conduct, Office/Department standard operating procedures, and other applicable policies, procedures, rules, laws and directives.
- E. This policy is intended to promote administrative efficiencies (e.g. reducing office and parking space requirements), reduce traffic congestion and transportation costs, decreased use of fossil fuels, and assist to sustain the recruitment and retention of a highly qualified workforce.

#### 2. **DEFINITIONS.**

- A. "Eligible Employee" means a Santa Fe County employee who is in a position other than those identified on the list prepared in accordance with Paragraph 9 below.
- B. "Remote Work Arrangement Request and Agreement Form" means the document whereby the Remote Work Arrangement is requested and, if granted in whole or in part, approved.
- C. "Remote Work Arrangement" means a change to an Eligible Employee's normal place, time and/or manner of performing the employee's work by allowing work to occur at one or more specified remote locations.

**3. REMOTE WORK ARRANGEMENT REQUEST AND AGREEMENT FORM REQUIRED.** All Remote Work Arrangements must be requested and documented in a Remote Work Arrangement Request and Agreement Form, which must be approved in advance of commencing remote work, by the Eligible Employee, the applicable Elected Official or Department Director, the Human Resources Director, the County Manager or Designee, and the Information Technology Director or designee.

#### 4. **PROCESS FOR REQUESTING A REMOTE WORK ARRANGEMENT.**

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A. Any Eligible Employee seeking a Remote Work Arrangement must put their request in writing using the Remote Work Arrangement Request and Agreement Form attached to this policy as Exhibit A and is available on SharePoint as an electronic form. The request must be delivered to their immediate supervisor and the Director of Human Resources through the electronic forms system. Thereafter, the supervisor, Director of the Department or Elected Official, Human Resources Director and the County Manager or the County Manager's designee will confer regarding whether the requested Remote Work Arrangement will be granted, in whole or in part, taking into consideration the following criteria (if applicable):

1. The scope of the request;
2. The job responsibilities, including scheduling issues particular to the employee's position and the importance of having the employee present at the normal worksite to interface with supervisors, colleagues, and/or the public;
3. Whether the essential functions of the job can be accomplished if the request, or a modified version of the request, is granted;
4. The operational needs of the Department or Office;
5. The practical implications of accommodating the request;
6. The importance of having the employee present during regular working hours at the employee's normal worksite for purposes of interfacing with colleagues and/or the public;
7. The importance of having the employee present during regular working hours at the employee's normal worksite to give and/or receive direct supervision during some or all of the day;
8. The ability to monitor the employee's productivity and quality of work;
9. The employee's demonstrated communications skills, motivation and ability to work independently and complete essential functions of their job without direct supervision;
10. The employee's historic work habits, including the employee's demonstrated ability to work independently and fulfill the responsibilities of the job without in person supervision;
11. The most recent performance evaluation of the employee if the employee has already been evaluated (Employees with one or more "needs improvement" on their most recent annual performance evaluation may not be approved for remote work);
12. The risk associated with accommodating the request;
13. The availability of equipment needed for the remote work arrangement;
14. The availability at the employee's expense of sufficient facilities, access to a method for making and receiving telephone calls from the employee's office number, electricity, internet and other required services incidental to working from home;
15. The number of requests for Remote Work Arrangements; and
16. Such other factors as may be relevant to the decision.

B. If approved, in whole or in part, the approval of the Remote Work Request Arrangement Agreement will be documented on the Remote Work Arrangement Request and Agreement. If denied, in total, the employee will be notified of the denial and the reasons for it by the Human Resources Director.

C. The decision to deny a request for a Remote Work Arrangement shall be emailed, mailed or hand delivered to the employee.

D. All approved Remote Work Arrangement Request and Agreements will be maintained in the employee's personnel file at the Human Resources Division.

E. The County's decision to deny, in whole or in part, or revoke a Remote Work Arrangement is final and not subject to the grievance provisions of the Human Resources Handbook or any collective bargaining agreement. Instead, the employee's sole redress shall be to appeal the decision to deny or revoke a Remote Work Arrangement to the County Manager by delivering written notice of appeal to the Human Resources Director within five (5) working days from the date of the decision. The County Manager or designee shall render a decision within ten (10) working days of the appeal. The County Manager's or designee's decision shall be final and not subject to further appeal or challenge.

#### **5. LIMITATIONS ON AND REQUIREMENTS APPLICABLE TO ALL REMOTE WORK ARRANGEMENTS.**

A. A Remote Work Arrangement is not an entitlement or benefit.

B. The approval of a Remote Work Arrangement does not change the duties, obligations, responsibilities, or terms and conditions of employment for the requesting employee.

C. Standards, terms and conditions applicable to the employee's work will continue to be governed by any applicable collective bargaining agreement, the County Human Resources Handbook, the Santa Fe County Code of Conduct, Office/Department standard operating procedures, and other applicable policies, procedures, rules and laws.

D. Eligible employees are not guaranteed remote work.

E. If a Remote Work Arrangement is approved, the conditions pursuant to which that approval is granted shall be set forth on the Remote Work Arrangement Form. Each approval shall be crafted to address the unique requirements of the employee's responsibilities.

F. If an Eligible Employee is granted a Remote Work Arrangement, and the employee's supervisor determines that their presence is required at the worksite for a particular day or purpose, the employee must be present at the worksite as directed by the supervisor, despite the Remote Work Arrangement, unless their presence is explicitly not required due to the location of their Remote Work Arrangement or the basis for the need for the Remote Work Arrangement. Generally, an employee required at the worksite in the middle of a remote work day, must return to the worksite promptly, and must always be available within two hours of a request, except as otherwise specified in the Remote Work Arrangement and Agreement Form. The amount of time permitted for an employee to return to work will depend on the distance from the remote worksite to the County worksite and whether the supervisor requires that a particular identified assignment is completed prior to returning to the worksite.

G. Other than occasional deviations from the Remote Work Arrangement, any changes in the Remote Work Arrangement must be documented and approved in accordance with Section 4(A) above.

H. This Policy does not govern employees working remotely pursuant to an exemption granted pursuant to the various vaccine mandate policies, requests for leave under the Family and Medical Leave Act (FMLA) or reasonable accommodations under the American with

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Disabilities Act (ADA), Santa Fe County Human Resources Handbook, or applicable collective bargaining agreements.

- I. Approval of a Remote Work Arrangement is not approval of overtime.
- J. As required by the Fair Labor Standards Act, non-exempt employees must report all hours worked, even those hours worked outside of their scheduled work hours. Non-exempt employees shall not work outside of their scheduled work hours, or during their lunch break, unless they are authorized to do so by their supervisor, and then must report those hours as hours worked.

**6. LIMITATIONS AND REQUIREMENTS FOR REMOTE WORK LOCATIONS AT NON-COUNTY FACILITIES.**

A. Injuries or illnesses contracted while working at an approved Remote Work Location may not be covered by the Workers' Compensation Act or the New Mexico Occupational Disease Disablement Law. The County assumes no responsibility for any injury or disease not covered by those laws.

B. The County is not obligated to provide materials, or take responsibility for set up or operating costs at a remote worksite, such as desks, chairs, phone, electricity or internet.

C. Generally, the County will provide a device (laptop/PC) for use in the remote worksite.

D. The employee must ensure that they have a clean, professional, and safe workspace at the approved Remote Work Location designated for remote work and maintained by the employee.

E. Tax implications related to the remote work location are the employee's responsibility; tax withholding will be based on the laws of the State of New Mexico and Federal law.

F. Employees must ensure that confidential records and data are maintained in a confidential manner and ensure appropriate safeguards are used to protect them. Employees who work with confidential or sensitive materials may be required to establish a private remote worksite. Documents must be filed in the same manner as if created at the employee's standard worksite. All electronic files and records created at a remote work location must be maintained so as to preserve the records and ensure their ongoing storage and destruction through the County's records management process.

G. All public records on an employee's personal computer, phone, or other equipment are subject to inspection under the Inspection of Public Records Act and retention, as applicable, under the County's records retention schedules. Public records generated through remote work must be preserved and accessible for all County purposes, including responding to Inspection of Public Records Act requests.

H. Employees who work from home or at another remote work location may not engage in activities while working that would not be permitted at their regular worksite, during regular working hours. They will manage personal responsibilities in a way that allows them to fulfill their job responsibilities. Employees working remotely shall not engage in outside employment during their work hours.

I. Employees are required to be accessible during their scheduled work hours on any of the following: County installed soft phone on their work from home laptop/desktop, or on a

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personal cell phone. If the employee chooses to use a personal cellphone, they may be required to forward their office phone to their personal cell phone.

J. Only hours actually worked, and not compromised by responsibilities and/or interruptions which are not part of work, shall be reported on the employee's timesheet, regardless of the schedule approved for work. In the event an employee is unable to perform remote work due to circumstances beyond their control (e.g., power failure or loss of internet connectivity), the employee may request to use accrued annual leave or other appropriate paid time off. The unworked time shall not be documented as time worked. In the discretion of the supervisor, an employee whose work day was interrupted as set forth herein, may continue their workday later than their scheduled workday to make up a brief interruption during the day. If an employee working remotely regularly requests to flex their time due to unscheduled interruptions in the workday, the supervisor may evaluate whether the remote work arrangement should be modified or terminated.

K. When the County is closed or delays opening due to inclement weather, or other events, and the basis for closing does not limit the remote work location, the employee working at a remote work location will be expected to continue working their regular schedule if work remains possible, and will not be entitled to the administrative leave granted for employees unable to work due to events impacting a County worksite, unless they are similarly unable to work.

L. Employees are responsible for all costs associated with maintaining a remote work location, including but not limited to the cost of electricity, provision of office furniture, access to reliable internet service, and if necessary a cellular telephone to which their desk phone may be forwarded.

M. The County is not responsible for damage to an employee's personal or real property at a remote worksite.

N. The County may elect to monitor productivity for those working remotely. Methods of monitoring may vary, but may include but not be limited to, utilizing software that allows the County to monitor computer use, the type of work occurring or the websites and social media accessed. There shall be no expectation of privacy when using County owned equipment and users shall not assume electronic communication, while using County owned equipment, is private.

## **7. REMOTE WORK LOCATION EQUIPMENT.**

A. Except as otherwise documented in the Remote Work Arrangement Form and Agreement, Employees shall utilize only County computers and software to work from a remote location.

B. The employee and their supervisor will compile a list of equipment owned by the County to be used by the employee at the remote work location. This list will be included in the employee's approved Remote Work Arrangement Form and Agreement.

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C. Any County equipment at the remote work location shall be used solely for the purpose of carrying out the employee's job responsibilities; no other parties are permitted to use County equipment for any reason.

D. Any County property shall remain County property. Should employment with the County cease or the Remote Work Arrangement terminate, the employee must return all equipment to the County upon termination of the Remote Work Arrangement and prior to the final day of employment.

E. Only the County can undertake repairs and maintenance on County equipment such as computers provided to the employee for their remote worksite, and only the County may manage software on that equipment.

F. Employees must utilize dual authentication (i.e. Duo tokens or mobile app) when working from home and are not to utilize their personal computers, hard drives, flash drives or other personal computer equipment which could compromise the security of the County's network, or the confidentiality of the County's data and records, to accomplish County work.

G. The employee agrees to immediately notify their supervisor and the IT Department of any problems or difficulties with the operation of the County's equipment and agrees to return all County equipment to the County immediately upon request. The employee also agrees to immediately notify their supervisor if the equipment is lost, damaged, or stolen.

H. The employee will take all reasonable precautions to secure the County's equipment, data, technology and information to ensure that it is managed and utilized appropriately and that its privacy and integrity are safeguarded at the remote work location.

J. An employee working remotely must protect County equipment, software, supplies, records and data from possible theft, loss, and damage.

K. Violations of this policy may result in disciplinary action, up to and including termination.

## **8. TERMINATION OF REMOTE WORK ARRANGEMENTS**

A. Approval of a Remote Work Arrangement can be revoked at any time for the benefit of County operations, for any reason related to the success of the Remote Work Arrangement or changes within the relevant Department, Division or Office, or due to failure to comply with the terms of the Remote Work Arrangement. The County will endeavor to provide employees with a minimum of five (5) calendar days' notice of such change, but this may not always be possible and is not required.

B. Employees may request to end their Remote Work Arrangement at any time.

## **9. POSITIONS FOR WHICH REMOTE WORK IS NOT AVAILABLE.**

Some positions are not suitable for remote work, including but not limited to positions that require the employee to have daily, in-person contact with co-workers, supervisory personnel or the general public in order to be effective. Examples of positions which are not suitable for remote work are law enforcement officers, fire fighters, emergency communication dispatchers, and detention officers working with inmates at the Adult Correctional Facility. The Director of the Human Resources and Risk Management Division has created, and is granted authority to periodically update, a list of positions for which remote work is not available. That list will be placed on Sharepoint and employees are expected to consult that list prior to submitting a

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Remote Work Arrangement Request and Agreement Form, to ensure the position they hold is one for which remote work can be approved.

**10. EFFECTIVE DATE.**

This Policy shall be effective thirty calendar days following its adoption.

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**Henry Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Rudy N. Garcia**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Hank Hughes**  
Commissioner, District 5

**Gregory S. Shaffer**  
County Manager

**REMOTE WORK POLICY  
REQUEST AND AGREEMENT**

EMPLOYEE NAME:	TITLE:
AGREEMENT START DATE:	AGREEMENT END DATE:
DEPARTMENT:	SUPERVISOR:
ALTERNATE WORK LOCATION ADDRESS:	CONTACT NUMBERS: PRIMARY – SECONDARY –

**DESCRIPTION OF REMOTE WORK ARRANGEMENT**

I, (EMPLOYEE NAME), hereby voluntarily request the following Alternate Work Arrangement from Santa Fe County (County):

Days and Hours When I Will Work (Please specify lunch hour beginning and ending time:

\_\_\_\_\_

Total Hours I Will Work Per Workweek (if less than regularly scheduled hours):

\_\_\_\_\_

Alternate Location Where I will Work (if applicable):

\_\_\_\_\_

**For Alternate Location Requests, also answer the following IT related questions:\***

1. Does the employee have internet access? Yes  NO
2. Can the employee complete day to day functions without a Santa Fe County issued laptop or desktop (email and phone only)? Yes  NO   
If Yes, Stop.
3. Does the employee currently have a VPN account? Yes  NO   
\*VPN (Virtual Private Network) will allow an employee access to the Santa Fe County network i.e. H:Drive, Shared Drives, SharePoint, etc.
4. If yes, do they know their VPN username and password? Yes  NO

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If no, does the employee need a VPN account? YES  NO

5. Does the employee have a Santa Fe County issued laptop? Yes  NO

6. If no, will they require a laptop or County desktop? \*\*

**\* IF VPN ACCESS AND DESKTOP IS NECESSARY, YOU WILL NEED TO SUBMIT AN IT WORK ORDER AT**

**[HTTP://SFCSHAREPOINT/WORKORDERS/LISTS/IT/ITEM/NEWIFS.ASPX?LIST=67B9EE9C%2DC31C%2D42B1%2D9391%2D9677960F9FC3&WEB=83E28328%2DB60B%2D4D01%2DA5B1%2D2274C8E2327D](http://sfcsharepoint/workorders/lists/it/item/newifs.aspx?list=67b9ee9c%2dc31c%2d42b1%2d9391%2d9677960f9fc3&web=83e28328%2ddb60b%2d4d01%2da5b1%2d2274c8e2327d) AND ATTACH A FULLY APPROVED VERSION OF THIS FORM TO THE WORK ORDER.**

**\*\*PLEASE LIMIT TO DESKTOP, ONE MONITOR, MOUSE, KEYBOARD, AND ALL CABLING REQUIRED FOR CONNECTIONS.**

County and Personal Equipment to be Used at Alternate Location (if applicable):

Other Details of Plan (e.g., how work will be supervised, delivered to and from alternate site, etc.):

*Employee will be available on their designated phone and by email during working hours, and will forward their office phone to that number. Employee may have to physically report to the office as needed while working at the alternate work location. Documents will be maintained in a confidential and secure location. Documents will be available through various shared drives, and frequent email and phone communications will occur. Employee will inform their immediate supervisor if they do not have enough work to fill their day. Specific times will be designated for the off-site employee to be present in the office to process necessary paperwork.*

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**COUNTY EQUIPMENT LISTING**

EQUIPMENT LIST	MAKE/MODEL	TAG NUMBER (IF APPLICABLE)
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**COUNTY MODIFICATIONS TO REMOTE WORK ARRANGEMENTS  
REQUESTED BY EMPLOYEE (IF APPLICABLE)**

*Employee will not be reimbursed for cellphone, electrical, internet or other charges incidental to working from home.*

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SUPERVISOR SIGNATURE:	DATE:
DEPARTMENT DIRECTOR/ELECTED OFFICIAL:	DATE:
HUMAN RESOURCES DIVISION DIRECTOR SIGNATURE:	DATE:
IT DIRECTOR OR DESIGNEE SIGNATURE:	DATE:
COUNTY MANAGER OR DESIGNEE SIGNATURE:	DATE: