



SUPERIOR COURT OF CALIFORNIA  
County of Kern

**Human Resources  
Teleworking Program  
Application and Agreement – PILOT PROJECT**

This policy outlines the criteria and procedure for Court employees that telework. The alternative work option is available only for those positions or tasks that can be performed to the Court's standards away from the employee's main office or Court location. The Court Executive Officer or designee reserves the right to determine which employees and which duties are suited for teleworking.

Teleworking is a privilege not an entitlement. The Court may terminate the Teleworking Program for all employees or may terminate teleworking for individual employees at any time, provided the Court gives written notice of the intent to terminate the Program, or an employee's participation in the Program, at least fourteen (14) calendar days from the effective date of termination. Program participation will be terminated immediately if an employee is subject to formal discipline. If at any time an employee decides to end their participation in the Program, they are not required to provide a reason for their decision; however, employees must provide sufficient notice (at least fourteen (14) calendar days) of their decision to terminate participation in the Program to their supervisor.

An employee's teleworking program is granted on a trial-basis for the first three (3) months. Termination of the program during the trial period requires notice of seven (7) calendar days unless the Court has a dire business need.

Teleworking employees are required to comply with all applicable Court policies, procedures, rules, practices and instructions, as well as all labor agreement provisions, if applicable.

If an employee no longer meets the minimum eligibility requirements for participation in the Program, fails to comply with any conditions of participation, is not meeting performance expectations, or is subject to formal discipline for conduct related issues, the teleworking agreement may be terminated immediately, without prior notice.

Employees participating in a teleworking assignment are not assured of a teleworking assignment when returning from a leave of absence or after a job transfer, promotion or demotion.

When a teleworking employee separates from Court employment, or when a teleworking assignment terminates, the employee is responsible for the return of all Court documents and Court issued equipment within five (5) business days. The cost of unreturned equipment may be deducted from the employee's pay if alternative arrangements are not approved by the Court.

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**Application and Selection Guidelines - Eligibility and Application**

Eligible employees who request to telework must complete and submit the following documents to their supervisor and/or manager for review:

- Employee Teleworker Agreement
- Self-Certification Safety Checklist
- Computer Security Checklist

The following criteria will be used to determine eligibility to participate in the program:

- Whether the work can be done remotely
- Performance of the requesting employee
- Work schedule
- Demands of the unit
- Attendance
- Employee has successfully completed a six-month probationary period for their current position
- Employee has not received any formal discipline (i.e. written reprimand, suspension, demotion, or other formal action) in the last twelve (12) months

In addition, selection criteria may include reasonable accommodation provisions for qualified persons with disabilities under the Americans with Disabilities Act (ADA). The Court will make an effort to provide a response within fourteen (14) days.

**Work Hours**

In order to ensure maximum contact with teleworking employees, the daily work schedule for teleworking employees will be determined by their supervisor. Normally work hours will be 8:00 a.m. to 5:00 p.m. in order to meet the business needs of the Court. Absent an approved flex workday schedule, employees are required to work during these normal business hours. Employee shall not perform personal business during their agreed upon work hours. Changes in the assigned meal period must be approved by the supervisor in advance.

No employee shall work overtime, including on weekends or holidays, unless prior approval has been obtained from their supervisor. Approved overtime will be compensated at the applicable rate. Employees will work the full number of hours they are scheduled to work on a teleworking day. As with any work schedule, temporary teleworking assignments or temporary changes in work schedules may be made at the supervisor or manager's discretion to meet work and business needs.

Compensation and vacation scheduling will continue to conform to all established court policies and procedures, applicable MOU provisions, and legal requirements (e.g., Fair Labor Standards Act provisions).

If an employee becomes ill while teleworking, they must inform their supervisor immediately and report the hours actually worked and use available sick or annual leave hours for the hours not worked.

The supervisor or manager may establish core days when all employees must be in the office. Regardless of an employee's pre-determined teleworking schedule, office needs take precedence over telework days. A teleworker must forgo teleworking if needed in the office on a regularly scheduled telework day. A canceled telework day cannot be "banked" for future use.

When operationally feasible the Court will attempt to provide a one-week advance notice of changes to or cancellation of the teleworking agreement.

If employee fails to report to the office with their court-assigned laptop for use on an in-office workday, they will be need to use their own time to retrieve it. The Court will not provide worktime for employees to travel to their telework office to obtain any necessary equipment or work materials for in-office workdays.

### **Communications**

Teleworking employees are responsible for ensuring they are accessible to communications from management, other employees and judicial officers. If a supervisor attempts to contact a teleworking employee during business hours and direct contact is not made (e.g., an e-mail or voicemail is left for the employee), it is the teleworking employee's responsibility to contact the supervisor immediately upon receipt of the message within fifteen (15) minutes, unless the employee is on their lunch break. If extraordinary circumstances prevent the teleworker from contacting the supervisor, the teleworker will do so as soon as possible, and advise the supervisor of the extenuating circumstances. Automatic email system generated responses will not satisfy this requirement.

### **Schedule Changes for Meeting Attendance**

Teleworking employees may be required to attend in-person meetings, trainings, or events at the court or other locations as directed by their supervisor or as necessary for the performance of their job duties. In-person attendance may be required even if the day in question is normally a telework workday. Two hour notice of such meetings will be deemed sufficient. If there is an emergency situation, the notice period can be shorter.

### **Designated Workspace**

The teleworker must designate a workspace when working from home. The designated workspace must be in the employee's primary residence unless specifically approved in writing, and must be conducive to the performance of duties (i.e. quiet, free from hazards, and professional in appearance). The employee is responsible for configuring of and all the expenses and services associated with a remote workspace. This includes ensuring and maintaining an ergonomically appropriate and safe work space. Any equipment used while

teleworking will be located in this workspace. The workspace must be maintained in a safe condition, free of hazards to people and equipment. The employee will take every reasonable measure to preserve the equipment in good working condition. The Court reserves the right to conduct on-site visits. The Court will provide workstations at designated court facilities for the shared use of teleworkers. Teleworkers will forfeit any assigned single-use space in the office.

The employee will not hold in-person business visits or meetings with professional colleagues, customers, or the public at their telework location.

### **Decorum**

Employees must maintain a professional decorum when teleworking. Employees must maintain the same standard of appearance during virtual meetings and interactions as they would in face-to-face meetings. This helps in presenting a professional image to colleagues, customers and others, regardless of their location. Teleworking employees cannot allow nonwork-related events, activities, persons (e.g., a spouse, partner, children, or nonwork-related visitors), pets or other animals, who share the telework location to disrupt or interfere with their workday or job performance. The responsibility to focus on and productively accomplish the Court's business is the same manner, whether working at a court assigned work location or from home.

### **Emergencies**

If the teleworking employee's assigned Courthouse facility is closed due to an emergency or inclement weather, the employee should continue to work at their approved telework location. If there is an emergency at the telework location, such as a power outage, the employee will notify the supervisor as soon as possible. In such cases the teleworking employee may be reassigned to a Courthouse location.

### **Travel Time and Mileage**

Employees will not be compensated for travel time resulting from participation in the Teleworking Program. Employees will continue to be reimbursed for other travel as preauthorized by the Court, such as off-site court sponsored training. The Court will not reimburse the employee mileage on the days they are scheduled to report to a Court location for meetings and/or training. On non-teleworking day(s) when the employee is working in a Court facility, the employee will not be reimbursed for travel to and from their home.

### **Training**

Employees, supervisors, and managers approved to participate in the Teleworking Program must complete the Safety for Teleworkers training class within three (3) months of starting the program. Completion of this training is mandatory.

Prior to participating in the Program, all teleworking employees will be required to meet with their immediate supervisor on an individual basis to discuss job responsibilities, schedules, methods of communication, and mandatory security measures to ensure the integrity and

confidentiality of court documents.

### **Protection of Confidential and Sensitive Information in the Teleworking Environment**

Teleworkers are expected to safeguard Court software, databases, and equipment in compliance with Court policies relative to information technology and client data. In addition, employees should recognize the importance of ensuring the protection of sensitive information, such as social security numbers, credit card data, and other personal information at the official teleworking site. Sensitive information should be protected from accidental disclosure as could occur when family members use the system for other purposes.

Teleworking employees remain subject to and must comply with all Court policies while working from the alternate work location, including those that pertain to information and device security. Employees must not take screen shots of Court information. Printing information from any court system/software or creating a hard copy of such information is prohibited during telework assignment, unless specifically required during the course and scope of assigned duties.

All equipment and services necessary for the employee to meet their job duties must be present and in good working order in their alternate work location. This might include, but is not limited to, a properly protected or secured computer with standard productivity software and video capability, a headset, Internet access with necessary bandwidth, VPN and meeting software (i.e., Zoom, WebEx, MS Teams, etc.), and/or any other job or department specific tools. If the equipment does not work correctly, Employee should immediately return to their Court work location. Teleworking employees should use MS Teams, Zoom, or other appropriate secure virtual conferencing means to conduct virtual meetings and use department shared drives to maintain secure access to necessary computer files from all work locations.

### **Virtual Meetings**

To maintain professionalism and engagement in virtual meetings, employees are required to use a camera during all meetings. Additionally, employees should appear dressed in professional attire and uphold a professional demeanor at all times. This includes avoiding activities such as eating, managing any distractions like barking dogs, and minimizing interruptions like getting up or leaving the area briefly.

Employees participating in any video conference must ensure the workspace is in a private area that maintains the protection of confidential conversations and hearings.

### **Equipment and Supplies**

The employee is responsible for supplying their own equipment, such as desk, chair, lamps, fans, etc., unless the position requires equipment to be issued by the Court. Court issued equipment will include one laptop computer, which will need to be transported back and forth to the office for: (1) the employee's use in their shared work space; or (2) for another

employee's use while teleworking. Court equipment must be protected against damage and unauthorized use. Court-owned equipment will be serviced and maintained by the Court. Teleworking employees are responsible for any Court-owned equipment and software used at their teleworking location, and are personally responsible for any such equipment that is lost, stolen, or damaged due to employee's negligence, misuse, or abuse. Costs incurred to replace such equipment may be charged to employee. Printers, scanners and flash drives may not be used in the remote office space. Office supplies provided by the Court will be for the sole purpose of business use and shall not be given or loaned by the teleworker to a non-Court employee.

Employee must also agree to use multi-factor authentication to obtain access to the Court's network by using their own personal mobile device. Employee understands that the Court will be using the One Time Password (OTP)/Push Notifications protocol. Teleworking employees will login to the Court's network using their username and password. Employee must download an application onto their personal mobile device. The application will generate a one-time code. The code must be entered into the Court's network within the allotted amount of time to allow access. In the future, the Court may require an additional layer of security, including but not limited to, fingerprint(s) or some other biometrics, as a verification requirement.

Employee understands that he/she will not be entitled to cell phone pay (for the sole purpose of telework program participation) or any other compensation for their choice to utilize their own personal mobile device to participate in the teleworking program.

The employee is responsible for installation and monthly maintenance costs of a high-speed internet connection if/when it is required for teleworking. Employees must receive advanced authorization from the supervisor for any purchases of supplies and equipment needed for teleworking that the employee will be requesting the Court pay for. The Court and employee will work together to minimize the direct costs attributed to teleworking.

### **Home Office Equipment Maintenance, Repair, and Replacement**

The opportunity to participate in a teleworking program is offered only with the understanding that it is the responsibility of the employee to ensure that a proper work environment is maintained (e.g., that dependent care arrangements are made so as not to interfere with the work, personal disruptions such as non-business telephone calls and visitors are kept to a minimum) and that proper care is given to Court issued equipment. Failure to maintain a proper work environment, or failure to provide proper care to Court equipment, as determined by management, provides cause for an employee's immediate termination from the teleworking program.

Under no circumstances shall employees conduct business for a secondary job on Court-issued equipment.

If the Court provides home office software for teleworking, any software provided to the employee for use on personal home computers remains the property of the court and is subject to all applicable copyright laws and rules and regulations on the use or reproduction of software.

If there is a delay in the repair or replacement of the equipment, including loss of internet access or any other circumstance which would make it impossible for the teleworker to work off-site, then the teleworker will be reassigned to a Court facility to use a personal computer or other available Court equipment until the repair has been made or the circumstance has been corrected. If for any part of the day the employee's equipment and/or laptop becomes unavailable, the employee must contact their supervisor immediately to discuss alternatives and determine how the time will be used and recorded (i.e. use of accruals for time off). The employee may need to report to a work location to complete the work. The employee can discuss alternatives with the supervisor (i.e., taking time off).

The Court does not assume responsibility for any tax implications related to a teleworking employee's off-site work location. The teleworking employee should consult with a tax expert to examine the tax implications of a home office.

### **Telework is not a Substitute for Dependent Care**

Telework is not a substitute for dependent care. An in-home dependent care arrangement may pose unique challenges for teleworking employees that must be appropriately managed to monitor whether employees are able to successfully telework without jeopardizing work performance. While the presence of dependents in the household should not be an absolute bar to a telework arrangement, employees should not be engaging in dependent care activities when performing official duties. While an occasional, brief interruption may occur when a dependent is present in the home, teleworkers must be careful to keep interruptions to a minimum to avoid disruptions in work accomplishment.

In the event the level of care needed for a dependent prevents or disrupts work accomplishment, teleworking employees should notify their supervisors as soon as possible about the situation preventing the teleworking employee from continuing work. Teleworking employees should then request approval for appropriate leave while performing dependent care responsibilities.

Satisfactory proof of dependent care arrangements, for those employees with dependent care obligations, must be filed with Human Resources prior to the approval of a telework arrangement.

### **Safety**

Home offices must be clean and free of obstructions. The home must have installed and properly working smoke detectors and an ABC fire extinguisher. The facility must be free of hazardous materials. Teleworking employees are responsible for ensuring that their homes comply with these health and safety requirements and certify as part of their teleworking agreement. The Court may complete an initial safety inspection and reserves the right to complete safety inspections as needed.

Each teleworker will receive a *Computer User's Guide to an Ergonomic Workstation* for use

in preparation of a home office and for ergonomic guidance in the use of computer hardware. These guidelines are currently used in the Court's ergonomic program in the office and are provided as part of employee safety training.

An employee's supervisor or manager may deny an employee the opportunity to telework or may rescind a teleworking agreement based on the safety of the home or suspected hazardous materials in the home. The supervisor or manager may also have the home office inspected for compliance with safety requirements during designated work hours when an employee is working from home. Inspections will be limited to the off-site work location and any equipment that is required for Court work. Inspections will be made with reasonable notice and when feasible, will be made by appointment. For purposes of this requirement, reasonable notice is defined as 24 hours.

Employees will be required to complete and sign the Self-Certification Safety Checklist.

### **Right to Privacy**

Teleworking employees will permit Court representatives to inspect the teleworking workspace during the employee's regular work hours for the purposes of supervision and inspection for safety, security, working standards, hazards, equipment service, performance evaluation, training, or site inspection after an injury, for injury-prevention purposes. Generally, 24-hour notice of such inspections will be given, however, the Court reserves the right to conduct an inspection on shorter notice if it deems necessary for business reasons, including but not limited to, injury, emergency, suspected misconduct or other serious matters.

Employee agrees to the Court's installation and use of any electronic monitoring equipment to ensure productivity.

### **Liability**

Court will not be liable for damages to the Employee's property that may result from participation in the teleworking program.

### **Hold Harmless**

The Employee agrees to hold the Court harmless for any liability to third parties arising out of the teleworking program.

### **Workers Compensation**

The Employee is covered under the relevant State Law if injured during performing official duties at the agreed-upon telework location.

### **Program Participation and Teleworking Agreements**

The *Employee Teleworker Agreement* should be discussed if there is a change in the

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teleworker position (such as a promotion or demotion), or annually if the program is implemented long-term. Because teleworking was selected as an alternative work option based on a combination of job characteristics, employee characteristics, a change in any one of these elements may require a review of the teleworking arrangement.

A teleworking arrangement should be discontinued when it is not in the best interests of the employee, the supervisor or manager, or the Court.

### **Employee/Supervisor Agreement and Teleworking Checklists**

The *Employee Teleworker Agreement* must be signed by all parties prior to the start of teleworking and must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program are understood and that the teleworking employee is in compliance with the policy.

The *Self-Certification Safety Checklist*, and the *Computer Security Checklist* provide a way to verify that all essential parts of the start-up of a teleworking arrangement with an employee have been covered prior to the actual start of teleworking.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

EMPLOYEE TELEWORKING AGREEMENT

Employee Name: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Employee's official worksite residence/home office address:

\_\_\_\_\_  
\_\_\_\_\_

Official worksite telephone number(s): \_\_\_\_\_

The Employee and the Employee's supervisor or manager agree as follows:

1. Teleworking is to be done only at management's discretion, and it is not an employee entitlement.
2. Employee agrees to adhere to all applicable teleworking policies and guidelines.
3. Employee agrees to coordinate the work schedule in advance with their supervisor.
4. Employee must record all teleworking hours in their SAP timesheet.
5. Employee agrees to follow established policy for requesting and obtaining approval of leave requests.
6. Employee must attend all staff meetings and trainings remotely or in person, as directed by their supervisor. If attending remotely, must use webcam.
7. With respect to any computer equipment that is used at the official work site, the employee agrees to secure sensitive information (e.g., locked drawer or box).
8. Employee agrees to permit Court inspections of Employee's official work site during official work hours to ensure proper maintenance of Court owned property and conformance with safety standards and other specifications in this agreement and policy guidelines.
9. Employee must immediately notify their supervisor of any job-related injury or illness sustained by employee at the official work site. Supervisor must complete an incident report, provide the necessary Workers' Compensation forms and contact Human Resources. The Court will not be liable for injuries sustained outside the agreed upon work hours or when performing non-job-related

activities.

- 10. The Court will not be liable for damages to Employee's personal or real property sustained during the course of the performance of Employee's official duties or for property damage or personal injury to another individual.
- 11. The Court will not be responsible for operating costs, home maintenance, cell phone pay, or any other costs (e.g., utilities and internet) that are associated with the use of Employee's residence or their personal mobile device.
- 12. Employee agrees to return phone calls and e-mails within stated guidelines. (15 minutes unless employee is on their lunch hour) An automatic reply is not considered a return call or e-mail.
- 13. Employee must sustain a "Meets Expectations" rating for each category of their performance evaluation in order to maintain teleworking eligibility.
- 14. Employee will safeguard Court records and data from unauthorized disclosure and damage.
- 15. Either management or the Employee may terminate participation in the Teleworking Program by providing sufficient notice as outlined in the Teleworking Program Agreement.
- 16. Satisfactory proof of dependent care is required. Telework is not a substitute for dependent care.

I have read and understand the Employee Teleworking Agreement for the Superior Court of California, County of Kern. Failure to comply with this agreement may result in the termination of the teleworking arrangement.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Approved:

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Signature (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_

Deputy CEO's or  
Managing Attorney's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

SELF-CERTIFICATION SAFETY CHECKLIST

Employee's Name: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Official Telework Workstation Location: \_\_\_\_\_

Official Telework Worksite telephone number: \_\_\_\_\_

The following checklist is designed to assess the overall safety of the official workstation from which the employee will be teleworking. Please read and complete the self-certification safety checklist.

- 1. Are temperature, ventilation, and lighting levels adequate? Yes  No
- 2. Is the space free of noise hazards? Yes  No
- 3. Are all stairs with four or more steps equipped with handrails? Yes  No
- 4. Are all circuit breakers and/or fuses in the electrical panel labeled for intended service? Yes  No
- 5. Do circuit breakers clearly indicate if they are in the open or closed position? Yes  No
- 6. Is all electrical equipment free of recognized hazards (e.g., frayed wires, bare conductors, loose wires, flexible wires in walls, and exposed wires to the ceiling)? Yes  No
- 7. Will the building's electrical system permit the grounding of electrical equipment? Yes  No
- 8. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? Yes  No

9. Are file cabinets and storage closets arranged so drawers and doors do not open into doorways? Yes  No
10. Are the telephone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard to avoid a trip hazard? Yes  No
11. Is the office space neat, clean, and free of excessive amounts of combustibles? Yes  No
12. Are carpets well secured to the floor and free of worn or frayed seams? Yes  No
13. Are computer components kept out of direct sunlight and away from heat sources? Yes  No
14. Are the desk, chair, computer, and other equipment of appropriate design and arranged to eliminate strain on all parts of the body? The California Department of Human Resources guide "[The Computer User's Guide to an Ergonomic Workstation](#)" should be reviewed. Yes  No
15. Are emergency phone numbers (hospital, fire department, police department) are posted at the alternative work site? Yes  No
16. Is a first aid kit is easily accessible and replenished as needed? Yes  No
17. Are portable fire extinguishers easily accessible and serviced as needed? Yes  No
18. Are smoke and carbon monoxide detectors operational? Yes  No
19. Is an earthquake preparedness kit easily accessible and maintained in readiness? Yes  No
20. Does employee understands that in the event an unsafe condition develops in their telework workstation, it is their responsibility to correct the problem, immediately inform their supervisor, and if necessary, cease teleworking until the problem is resolved? Yes  No

By signing below, I acknowledge the aforementioned information is accurate and true. I understand should any of the aforementioned item conditions change, I will notify my supervisor immediately. I understand that my privilege to telework may be revoked if any of aforementioned items no longer meet the Court's safety requirements. I understand that the Court's Safety Team may conduct inspections to ensure my telework workstation satisfies the requirements above.

Employee's Signature \_\_\_\_\_

Date \_\_\_\_\_

pilot project

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

COMPUTER SECURITY CHECKLIST

The following checklist is designed to ensure that employees who will be teleworking understand the important security issues pertaining to teleworking. The checklist addresses these issues by outlining the proper procedures and policies that should be implemented at both the teleworking site and Court locations.

Employee Name: \_\_\_\_\_

1. Employee has installed a surge protector for all computer related equipment (see appendix G of the HR Policies & Procedures Manual, "CARE OF COMPUTER EQUIPEMNT") Yes  No
2. Employee has read and agrees to comply with the policies outlined in the Employee Appropriate Computer Use Policy and the Care of Computer Equipment Policy (see appendix G and I of the HR Policies & Procedures Manual). Yes  No
3. Employee agrees to not access CLETS remotely. Yes  No
4. Employee has a procedure for destroying sensitive documents (e.g. shredder) at the official work site. No documents should be taken home or away from the official worksite). Yes  No
5. When working in the field, all access to the court will be through the secured VPN and Multi-Factor Authentication will be used. Employee has been shown how to use both softwares. Yes  No
6. Employee has completed their annual security awareness training prior to starting telework/hybrid work schedule. Yes  No

Note: It is also critical that an employee teleworking at their official work site understands that deleting information on computer files often leaves the information on the disk and removes only the pointer to it, making it still available using undelete features in the system to resurrect the files.

The court has banners in place regarding unauthorized usage and monitoring policies. There are time-outs that will terminate sessions upon periods of inactivity. Information Technology staff will review system logs for usage patterns and to ensure compliance with local policy. All court-supplied equipment will be periodically inventoried. All accounts will be evaluated periodically to ensure that access privileges are consistent with the employee's current job duties. All court-supplied equipment will be returned to the Court upon an employee's termination in the teleworking program.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_