RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No___)

Resolution Authorizing Chairman to execute Telecommuting Agreement with Mariposa County Transportation Planner for an initial period of six months.

Employee has requested the ability to work twenty-five hours per week and telecommute for fifteen of those hours for an initial period of not to exceed six months. The Public Works Director has determined that he is willing to try telecommuting and believes that at least for the initial six-month term that the employee’s work can be accomplished in twenty-five hours per week, ten hours at work and fifteen hours at home. However, the Agreement will give the Public Works Director the right to terminate the Agreement if the telecommuting schedule does not work appropriately for the Public Works Department.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: ( ) Not Applicable
A. Budgeted current FY
B. Total anticipated costs
C. Required additional funding
D. Internal transfers

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues
B. Reserve for contingencies
C. Source description:
Balance in Reserve for Contingencies, if approved:

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Memo from Public Works Director
Memo from Employee

CLERK’S USE ONLY:
Res. No. 02-265
Vote - Ayes: 
Noes:
Absent:
Abstained:
( ) Approved ( ) Denied ( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:
Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action
Comment:

A.O. Initials: [signature]

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Telecommuting Agreement with Mariposa County Transportation Planner
Resolution No. 02-265

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 9, 2002

ACTION AND VOTE:

10:13 a.m. Jeff Green, County Counsel;
   B) Authorize the Chair to Execute a Telecommuting Agreement with Mariposa County Transportation Planner for an Initial Period of Six Months

BOARD ACTION: Discussion was held with Jeff Green relative to the request. Supervisor Balmain expressed concern with allowing an employee to telecommute from a management standpoint and with having a part-time position during the term of the agreement. Further discussion was held relative to the pros and cons of this arrangement. (M)Reilly, (S)Pickard, Res. 02-265 was adopted approving the request. Further discussion was held. Ayes: Reilly, Stewart, Pickard; Noes: Balmain; Abstained: Parker. Supervisor Parker requested that a report come back to the Board in six months, and that the contract not be extended without further action of the Board. Following further discussion, Jeff Green advised that it would be personnel’s intention to bring this back in six months to see how it worked.

cc: Ken Hawkins, Auditor
    Sandra Laird, Personnel
    Jim Petropulos, Public Works Director
    File
TELECOMMUTING AGREEMENT

THIS TELECOMMUTING AGREEMENT is entered into on the most recent date below written by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Amy Roberts, Mariposa County Transportation Planner, hereinafter referred to as "EMPLOYEE".

WITNESSETH:

WHEREAS, EMPLOYEE is employed by the Public Works Department of Mariposa County as Mariposa County’s Transportation Planner, and

WHEREAS, EMPLOYEE recently became a mother, and

WHEREAS, EMPLOYEE desires to work for at least an indefinite period of time less than forty (40) hours per week, and

WHEREAS, EMPLOYEE desires at least for an indefinite period of time to perform a portion of her work at home, and

WHEREAS, the Public Works Director has determined that the nature of EMPLOYEE’S work will lend itself to a portion of EMPLOYEE’S work being performed at home, and

WHEREAS, the Public Works Director has determined that at least for an indefinite period of time EMPLOYEE can successfully complete her duties by working less than forty (40) hours per week,

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter contained, the parties hereto agree as follows:

1. EMPLOYEE shall be permitted to perform her duties as the Mariposa Transportation Planner through a telecommuting schedule as follows: commencing July 10, 2002, EMPLOYEE shall work twenty-five (25) hours per week, ten (10) hours shall consist of office work, the exact date and times to be arranged with the Public Works Director, and the remaining fifteen (15) hours shall be conducted from EMPLOYEE’S home.

2. Office hours to be worked by EMPLOYEE shall consist of attending Board of Supervisors meetings as necessary and/or meetings with engineering staff. Telecommuting work from EMPLOYEE’S home shall consist of preparation of documents, sending and receiving documents with County staff and other agencies, telephone conferences, etc.

3. COUNTY shall reimburse EMPLOYEE for the installation of an additional telephone line at EMPLOYEE’S house together with Internet access. The total sum for the telephone line and Internet access shall not exceed Forty-Five Dollars ($45.00) per month.
4. COUNTY shall assign a County owned desktop computer to EMPLOYEE for use at EMPLOYEE's home.

5. The initial term of this Agreement shall be for approximately six (6) months and shall expire unless extended by agreement of both parties on December 31, 2002.

6. The Public Works Director may at any time during the term of this Agreement, upon ten (10) calendar days notice rescind this Agreement and require EMPLOYEE to perform her duties at the Public Works Department.

7. EMPLOYEE recognizes that telecommuting is a privilege and not a right.

8. EMPLOYEE agrees that EMPLOYEE will not work more than forty (40) hours in any week without prior approval of the Public Works Director.

9. EMPLOYEE agrees to have her telecommuting site inspected by County Personnel to determine that the work site is suitable.

10. EMPLOYEE warrants that she will comply with all applicable COUNTY rules, policies, practices, and instructions while telecommuting as if she were working at her Public Works work site.

11. EMPLOYEE recognizes that COUNTY does not currently have a Telecommuting Policy and that by entering into this Agreement with EMPLOYEE, COUNTY does not in any way promise EMPLOYEE that EMPLOYEE will be allowed to continue telecommuting if COUNTY determines that it is not in the best interest of COUNTY.

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**COUNTY:**

[Signature]

ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

Date: **July 11, 2002**

**EMPLOYEE:**

[Signature]

AMY ROBERTS

Date: **15 July 2002**

**ATTEST:**

[Signature]

MARGIE WILLIAMS, Clerk of the Board

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

[Signature]

JEFFREY G. GREEN, County Counsel