

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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### **18.01**      **DEFINITION AND PURPOSE**

Hybrid work is a work flexibility arrangement that permits an authorized employee assigned to an eligible position to perform the functions of their position and other approved activities from an appropriate alternative worksite other than the location from which the employee would otherwise work. Hybrid work is not an entitlement.

The City encourages hybrid work. Hybrid work provides employees with enhanced flexibility and improved work-life balance, encourages productivity and high-quality work, enhances the City's ability to attract and retain the best possible workforce, promotes efficiency and cost savings, ensures continuity of operations, and supports environmental sustainability by reducing traffic congestion and emissions, all while maintaining the City's commitment to providing quality services to the community.

These rules establish uniform procedures for implementing and supporting routine, voluntary hybrid work in all departments, offices, and agencies.

### **18.02**      **ELIGIBILITY AND AUTHORIZATION**

Eligibility for hybrid work and authorization to perform hybrid work are separate decisions.

#### **(A) Eligibility**

The Department of Human Resources determines on a position-by-position basis which positions are eligible for hybrid work.

Hybrid work is not suitable for all positions. Positions with functions that require on-site activity on a daily (i.e., every work day) basis are ineligible for hybrid work. Examples of such functions include, but are not limited to, providing in-person customer service and operating or maintaining equipment, machinery, or vehicles.

Positions assigned to the Fire Department, Police Department, or Knoxville Knox-County Emergency Management Agency may only be eligible for hybrid work with the additional approval of the Fire Chief, Police Chief, or Director of Emergency Management, as applicable, to ensure the on-site availability of employees who may be called upon to extinguish fires, enforce the law, keep the peace, manage emergencies, protect life or property, provide medical care, or enable the aforementioned services.

The Department of Human Resources shall state each position's eligibility for hybrid work on the classification specification (and, if applicable, position description) and ensure that vacancies are advertised accordingly.

#### **(B) Authorization**

Directors and the heads of offices and agencies or designees determine on an employee-by-employee basis whether employees assigned to their departments, offices, and agencies are authorized to perform hybrid work. No other basis (e.g., a

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

---

department-, office-, agency-, division-, team-, shift-, or other unit-wide basis) may be used.

Hybrid work is not suitable for all employees. An employee may be authorized to perform hybrid work if:

1. The employee is assigned to a position eligible for hybrid work;
2. The employee requests to perform hybrid work;
3. The employee certifies that their alternative worksite provides the connectivity, environment, privacy, resource access, security, and technology necessary to safely and effectively perform the functions of their position and other approved activities on a consistent basis during work time;
4. The employee has completed all on-site components of the Orientation Program pursuant to Administrative Rule 4.02;
5. The employee has completed applicable hybrid work training and/or forms required by the Department of Employee Benefits and Risk Management, the Department of Human Resources, and the Department of Information Systems;
6. If the employee is assigned to a department, office, or agency that uses performance appraisals and has been employed long enough to have received at least one performance appraisal, the employee's most recent performance appraisal average score must be at least 3.0 ("Proficient");
7. The employee has not been placed on a performance improvement plan, been reprimanded, suspended, or demoted, or entered into a last chance agreement for violating Administrative Rule 17.01 or any other law, order, policy, procedure, regulation, or rule regarding the appropriate use of technology;
8. The employee has not been placed on a performance improvement plan, been reprimanded, suspended, or demoted, or entered into a last chance agreement in the 12 months immediately preceding the employee's request to perform hybrid work for violating any of the following:
  - a. Administrative Rule 1.09;
  - b. Administrative Rule 5;
  - c. Administrative Rule 11.03 due to absence without leave; or
  - d. Any other law, order, policy, procedure, regulation, or rule regarding leave; and
9. The employee has not been placed on "do not pay" ("DNP") or "no pay" ("NOP") status in the 12 months immediately preceding the employee's request to perform hybrid work unless the status resulted from and was approved as an

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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unpaid form of leave pursuant to Administrative Rule 5 or Administrative Rule 15.01.

If an employee satisfies all of the above requirements, the employee is presumed to be suitable to perform hybrid work, and the employee's director or office/agency head should authorize the employee to perform hybrid work. Such presumption may be rebutted by the existence of one or more performance appraisals, performance improvement plans, reprimands, suspensions, demotions, or last chance agreements that reasonably call into question the employee's suitability to perform hybrid work notwithstanding the above requirements.

If an employee authorized to perform hybrid work no longer satisfies the above requirements, the employee's authorization to perform hybrid work shall be discontinued.

As part of authorizing an employee to perform hybrid work, the director or office/agency head or designee in consultation with the employee shall do the following.

- Ensure the employee and the employee's supervisor (if someone other than the director or office/agency head) have read and understand this Administrative Rule 18 and confirm the same in writing.
- Determine the duration of the authorization. An authorization may be indefinite or temporary. A temporary authorization may be particularly appropriate during a classified employee's initial, promotional, or transfer probationary period.
- Determine the number of days of hybrid work per workweek.
- Set clear expectations for how the employee will communicate with their supervisor, subordinates, coworkers, and customers, as applicable, when the employee is performing hybrid work. The employee must provide a phone number at which they can be reached during work time.
- If the employee is not exempt from the overtime requirements of the Fair Labor Standards Act, schedule meal periods and breaks in accordance with Administrative Rule 5.03.
- Address any other relevant matters.

An authorization may be revised at any time. An employee performing hybrid work may request a revision, or the employee's director or office/agency head or designee may initiate a revision in consultation with the employee.

The Department of Human Resources is available to assist with these considerations.

### **18.03**

### **PERFORMING HYBRID WORK**

Employees performing hybrid work shall do the following.

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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- Meet or exceed performance expectations.
- Communicate regularly and effectively with their supervisor, subordinates, coworkers, and customers, as applicable.
- Use work time only for the performance of official duties.
- Use approved annual, sick, or other leave, as applicable, for time not worked pursuant to Administrative Rule 5.
- Be accessible and responsive by email and phone and available for meetings via teleconference and videoconference during their scheduled work hours.
- Be able to accurately account for and report work time to their supervisor. If the employee is not exempt from the overtime requirements of the Fair Labor Standards Act, the employee must also accurately record all time worked using the City's timekeeping system and only work in excess of their scheduled work period with prior written approval pursuant to Administrative Rule 3.05.
- Report work-related illnesses, injuries, or other incidents that occur while performing hybrid work in accordance with instructions from the Department of Employee Benefits and Risk Management.
- Not engage in activities that would not be permitted while performing on-site work.
- Comply with all applicable laws, orders, policies, procedures, regulations, and rules.
- Remain resident within reasonable commuting distance.
- Participate in opportunities to provide feedback on hybrid work to the Department of Human Resources.

### **18.04**

#### **SUPERVISING HYBRID WORK**

Supervisors of employees performing hybrid work shall do the following.

- Set clear expectations.
- Communicate regularly and effectively. Supervisors may require employees performing hybrid work to communicate with them on a daily, weekly, or other basis using one or more communication methods (e.g., email, phone call/teleconference, or video call/videoconference).
- Give timely and appropriate feedback.
- Enable employees performing hybrid work to participate in meetings with employees performing on-site work via teleconference or videoconference.

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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- Ensure that employees performing hybrid work and employees performing on-site work are treated the same for purposes of discipline, performance appraisal, performance pay, promotion, and training.
- Be current on applicable hybrid work training required by the Department of Human Resources and the Department of Information Systems.
- Consult as needed with the Department of Human Resources regarding best practices in supervising a hybrid workforce.
- Participate in opportunities to provide feedback on hybrid work to the Department of Human Resources.

### **18.05**      **EVALUATING HYBRID WORK**

An authorization to perform hybrid work does not change either (1) the duties, obligations, responsibilities, or terms and conditions of employment by the City or (2) the functions, knowledge, skills, abilities, physical requirements, mental requirements, or minimum qualifications of the position to which the employee is assigned.

Employees performing hybrid work and employees performing on-site work who are assigned to the same position should meet the same performance expectations. Supervisors shall evaluate employees' performance accordingly.

If the employee is assigned to a department, office, or agency that uses performance appraisals, the employee's authorization to perform hybrid work shall be reviewed as part of the employee's performance appraisal. A performance appraisal average score below 3.0 ("Proficient") should cause the employee's director or office/agency head or designee to consider revising or discontinuing the employee's authorization to perform hybrid work.

### **18.06**      **DISCONTINUING HYBRID WORK**

An authorization to perform hybrid work may be discontinued at any time by either the employee performing hybrid work or the employee's director or agency/office head or designee. Generally, however, an employee should only discontinue hybrid work with reasonable notice to their supervisor, and a director or agency/office head or designee should only discontinue hybrid work (1) upon the expiration of a temporary authorization to perform hybrid work, (2) for operational reasons and, whenever possible, with reasonable notice to the employee, or (3) as a result of a performance appraisal, performance improvement plan, reprimand, suspension, demotion, last chance agreement, or termination. A discontinuance may be indefinite or temporary.

### **18.07**      **EQUIPMENT AND SERVICES**

Hybrid work is not intended to substantially increase operating costs. As such, the City is neither required to nor prohibited from (1) providing municipal equipment or services to employees performing hybrid work for their use solely for the benefit of the City or

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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(2) reimbursing employees performing hybrid work for the costs of their use of personally-owned equipment or services.

Employees who use personally-owned equipment or services to perform hybrid work are responsible for the cost, installation, maintenance, and repair of the same.

If a director or office/agency head determines that providing municipal equipment or services is in the interests of the City, any such provision shall be subject to the prior written approval of the Department of Information Systems. Employees performing hybrid work do not obtain any rights to any municipal equipment or services; such equipment and services remain the property of the City. Employees may not add hardware or software to municipal equipment without prior written approval. Employees must adhere to all copyright laws and may not make unauthorized copies of any municipal software. By using municipal equipment or services for hybrid work, the employee agrees to comply with applicable requirements of the Department of Information Systems and to return the equipment and/or cease using the services at any time and for any reason if required to do so by the Department of Information Systems or the employee's director or office/agency head or designee. The employee must protect municipal equipment and services from damage, loss, or theft and may be liable for the cost of replacement or repair.

If a director or office/agency head determines that providing reimbursement is in the interests of the City, any such reimbursement shall be subject to the prior written approval of the Department of Finance and Accountability.

Administrative Rule 17.01 and all other laws, orders, policies, procedures, regulations, and rules regarding the appropriate use of technology apply regardless of whether an employee uses municipal or personal equipment or services to perform hybrid work.

The City is not required to provide materials or supplies to establish an alternative worksite (e.g., desk, chair, computer, printer, copier, fax machine, software, phone, etc.) and is not responsible for the startup or operating costs of an alternative worksite (e.g., internet and phone services, etc.).

The City is not liable for damages to an employee's personal or real property while the employee is performing hybrid work.

The City is not responsible for determining or validating an alternative work site for income tax purposes.

### **18.08**

### **PUBLIC RECORDS**

The Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 *et seq.*, Administrative Rule 1.16, Administrative Rule 17.02, and all other records-related laws, orders, policies, procedures, regulations, and rules apply to employees authorized to perform hybrid work. When directed by the City's public records request coordinator, the Department of Law, or the employee's director or office/agency head, an employee performing hybrid work must permit the inspection and examination of any public record in the employee's custody, or any segregable portion of a public record, within the required time limits regardless of where the public record is located or stored.

# ADMINISTRATIVE RULES – CITY OF KNOXVILLE

## 18 – Hybrid Work

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Departments, offices, and agencies may issue additional instructions to ensure that employees performing hybrid work safeguard confidential, protected, and sensitive information.

### **18.09**      **EXCEPTIONAL CIRCUMSTANCES**

These hybrid work rules apply only to routine, voluntary hybrid work. Nothing in these rules requires or prohibits situational hybrid work (e.g., during official travel or due to severe weather or other circumstances that disrupt commuting or on-site work) or involuntary hybrid work (e.g., as an occupational or public health or safety measure or due to an emergency). Employees may be authorized to perform hybrid work or to perform more hybrid work during exceptional circumstances when they would not be authorized to perform hybrid work or as much hybrid work under other circumstances. Separate instructions may apply to hybrid work in exceptional circumstances.

### **18.10**      **DISPUTE RESOLUTION**

In the event of any disagreement between an employee and the employee's director or office/agency head regarding hybrid work, the matter shall be referred to the Director of Human Resources or designee, and the decision of the Director of Human Resources or designee shall be final.

Hybrid work is not subject to the grievance procedure or to any other review or appeal procedure other than the procedure set forth hereinabove.