



**3-7 REMOTE WORK**

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

None

B. Form(s)

Remote Work Agreement

C. Other Resource(s)

City of Albuquerque Personnel Rules and Regulations  
City of Albuquerque Administrative Instruction No. 7-66 Telecommuting/Work from Home  
Fair Labor Standards Act of 1938

D. Rescinded Special Order(s)

None

**3-7-1 Purpose**

The purpose of this policy is to establish requirements that allow certain Department personnel who are eligible to work remotely and to establish requirements for Department supervisory personnel to ensure a safe and productive remote work environment. The Department recognizes that remote work helps with recruiting and ensuring continuity of essential services during national or local emergency events that may disrupt normal operations. Additionally, remote work enhances work-life effectiveness and allows Department personnel to better manage their work and family obligations, thereby retaining a more resilient, results-oriented workforce.

**3-7-2 Policy**

It is the policy of the Department to ensure compliance with applicable federal and state laws, and City of Albuquerque policies in support of Department personnel working remotely. Remote work is a privilege, not an employee right nor a Citywide benefit; it is a managerial option, and in no way changes the terms and conditions of employment with the City of Albuquerque or the Department. All requests for remote work will be considered on a case-by-case basis, and the employee's immediate supervisor, Area Commander, Division Head, and/or City administration may adjust remote work schedules at any time.

**N/A 3-7-3 Definitions**

A. Exempt Employee



An employee whose compensation is based on a fixed annual salary.

B. Immediate Supervisor

1. A Department employee who, for an employee that reports directly to them:

- a. Monitors and regulates the employee in their daily performance of assigned tasks;
- b. Is authorized to discipline and evaluate the employee;
- c. Functions as a timekeeper for the employee, such as approving leave requests; and
- d. Completes performance reviews on the employee.

C. Non-exempt Employee

An employee who is normally scheduled to work a minimum of forty (40) hours in a seven (7) consecutive-day period. A non-exempt employee is eligible for overtime or compensatory time for hours worked in excess of forty (40) hours.

D. Normal Business Hours

The Department's normal business hours are 8:00 a.m. to 5:00 p.m. Mountain Time (MT), unless alternative business hours are required, or an employee has previously been approved for a flex work schedule by their immediate supervisor or their chain of command.

E. Remote Work

An agreement that is made between an employee and the Department that allows an eligible employee to work at an alternate work location, other than a Department worksite. Unless otherwise approved by an employee's immediate supervisor, an alternate work location is the employee's home.

**7 3-7-4 Determination of Eligibility**

A. Remote Work Considerations

1. Remote work eligibility is based solely upon management discretion. However, the following shall be considered by an employee's immediate supervisor to determine whether an employee is eligible to work remotely. These factors include, but are not limited to:

- a. The impact to community residents;
- b. The impact to co-workers;
- c. The current job description shall be compatible with a remote work situation;



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- d. The impact on the Department and its ability to provide quality customer service, internally and externally; and
- e. The type of job duties to be performed at the alternate work site.

2. Remote work may only occur in the State of New Mexico. Remote work outside of the State of New Mexico may only be approved by the employee's immediate supervisor and the Chief Administrative Officer (CAO) for occasional, short periods of time. Such out of state exceptions may not be approved as the employee's permanent or prolonged remote worksite.

**B. Type of Work Performed and Job Duties**

1. The type of work that an employee performs is also a factor in determining the appropriateness of approving remote work. In general, job duties that involve analytical work, research, advising, computer-oriented duties, or work that does not require public or constituent interaction may be the most appropriate types of work to be performed at an alternate work location.
2. Job duties that are not suitable for performance at an alternate work location include duties that require:
  - a. In-person interaction;
  - b. Direct service to the public;
  - c. In-person supervision; or
  - d. Access to Department equipment or materials that cannot leave Department property.
3. Regardless of the type of work performed, the employee shall be able to fully perform their job duties during scheduled work hours.
  - a. Department personnel shall not be approved to work remotely in response to an inability to get to work on time or to work consistently.

**C. Department Personnel Ineligible for Remote Work**

1. Department personnel shall be ineligible for remote work for any of the following circumstances, including, but not limited to:
  - a. Department personnel who are on probation;
  - b. Department personnel who have received discipline in the form of a suspension or a demotion in the prior twelve (12) month period;
  - c. Department personnel on a leave corrective action plan or who have received discipline regarding absenteeism or for leave abuse;
  - d. Department personnel who have been officially disciplined for being absent without permission;
  - e. Department personnel on a performance improvement plan (PIP); and



- f. Department personnel who are considered ineligible by management based on Department needs or an employee's work performance.

D. Requests for Reasonable Accommodation

1. In some instances, an employee may request an alternate work location as a reasonable accommodation due to a qualifying medical condition.
  - a. This type of request does not fall within the scope of this Department Standard Operating Procedure.
  - b. Upon receiving such a request, the employee's immediate supervisor shall refer the employee to the City of Albuquerque Human Resources Department.

**6** 3-7-5 **Remote Work Schedules**

A. Approval of Work Schedule

1. Department personnel permitted to work remotely shall be assigned a remote work schedule by their immediate supervisor and the schedule shall be at the immediate supervisor's discretion, including the duration of the schedule.
  - a. Each supervisor shall submit a proposed schedule for remote work within their division for approval by their respective chain of command.
  - b. Remote work schedules shall not be implemented within any Department division until the Remote Work Agreement has been officially approved.
  - c. Department personnel may be required to work at their City worksite, as needed, and they shall not be guaranteed that their remote worksite schedule will apply.
2. When an employee is approved to work remotely, the employee shall work normal business hours, unless otherwise approved by the employee's immediate supervisor.
3. Remote work days/shifts shall not be intermittent or be divided throughout the workweek nor set as an employee's new work schedule.
  - a. For example, if an employee works an eight (8) hour shift per day and two of those days are remote work, they cannot split sixteen (16) hours throughout the week.
  - b. Any exceptions shall be submitted with the Remote Work Agreement and after approval of the agreement on a case-by-case basis.

B. Alternate Work Sites

1. Examples in which an employee shall be required to work at a Department worksite, even if previously scheduled to work from home include, but are not limited to:



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- a. Unless otherwise arranged in advance with their staff, when the Mayor, Chief Administrative Officer, Chief of Police, Superintendent of Police Reform, chain of command, or immediate supervisor requests or schedules a meeting with an employee that cannot be accommodated via web conferencing software or teleconference;
  - b. When a Department immediate supervisor or chain of command determines that in-person attendance of an employee is needed in order to accomplish or complete important projects or assignments; or
  - c. When an employee is called in to work on-site for urgent or important matters on a day they were scheduled to work remotely.
2. Department personnel are prohibited from asking to reschedule, delay, or postpone meetings based upon a remote work schedule.
- a. When an employee is required to work on-site during a regularly scheduled remote workday, it is at their immediate supervisor's discretion to allow an employee to work remotely on an alternate day in the same workweek.
  - b. Travel time into an employee's normal worksite shall not be considered part of the remote worksite schedule.
3. If an employee is working remotely and must travel to a Department site or facility that is not their normal worksite, they shall arrange for transportation to and from the site or facility.
- a. Use of an employee's personal vehicle for Department business requires prior approval by the Area Commander or Division Head during any remote work schedule. If use of an employee's personal vehicle is granted, mileage reimbursement shall not be available for travel between an employee's remote worksite and their normal, Department worksite.
    - i. Mileage reimbursement for other Department business travel, if any, shall be based on the employee's remote worksite.
  - b. Compliance with all relevant rules, policies, and administrative instructions is mandatory during any remote work schedule.
- C. Proper Recording of Hours Worked
1. Department personnel working remotely are required and expected accurately to record all hours worked using the Kronos timekeeping system as required.
    - a. Department personnel who have an approved Remote Work Agreement who are not exempt from the overtime requirements of the Fair Labor Standards Act shall be required to record all hours worked in a manner designated by the Department.
    - b. Hours worked in excess of those specified per day and per workweek, in accordance with federal and state requirements, shall require the advance approval of the Area Commander or Division Head.



**7** 3-7-6 **Location, Equipment, and Work Products**

A. Location of Remote Worksite

1. In general, career, contract, or limited status personnel may work from their homes within the State of New Mexico. The employee's remote worksite shall be conducive to performing their duties, and shall have phone access and internet access capable of performing all work tasks and attending necessary online work meetings. Department personnel's worksite shall:
  - a. Be equipped with a minimum bandwidth of 50MBs/50MBs and recommended 100MBs/100MBs;
  - b. Be a single, designated place. Unless properly approved, the remote worksite is the employee's home;
  - c. Be a safe, secure, and ergonomic work environment; and
  - d. Have the necessary equipment to participate in video calls with video capability enabled for meetings. It is unacceptable for Department personnel to participate in meetings without video capability.

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2. Department personnel shall provide a secured place for confidential work files and information within their home.

B. Equipment and Service Expense Reimbursement

1. Department personnel shall obtain their immediate supervisor's approval to take any Department-issued office supplies and/or equipment to a remote worksite. All Department office supplies and/or equipment shall be itemized in the Remote Work Agreement.
  - a. Department personnel working from home shall be responsible for the safety and security of all Department-issued equipment necessary to complete their job functions remotely.
  - b. Department personnel shall immediately notify their immediate supervisor of any damage, loss, or theft of Department-issued equipment.
2. Department personnel who have requested to work remotely shall be responsible for providing, maintaining, and repairing employee-owned equipment in addition to paying for utility costs, including electronic service expenses used at the remote worksite at personal expense.
  - a. All Department-issued equipment and materials, and Department records shall be returned to the Department in the event the employee separates from employment.





3. Department personnel shall be responsible for any tax or insurance consequences as a result of this arrangement and shall be responsible for conforming with any local zoning regulations.

C. City Intellectual Property or Work Product

City intellectual property and work product that are generated as a result of any Remote Work Agreement remains the property of the Department, as is true of any intellectual property or work product that is generated during on-site work.

**6 3-7-7 Remote Work Productivity and Expectations**

A. Measurement of Productivity

1. As determined by an employee's immediate supervisor, an employee working remotely shall be required to account for work performed through weekly reports, work logs, timesheets, calendars, or by any other means.
2. The employee's immediate supervisor shall clearly outline communication expectations in the Remote Work Agreement and specify expected response times to e-mails, phone calls, meeting invites, etc.
3. As a measurement of productivity, an immediate supervisor may do the following to ensure work performance does not decline during remote work, which include, but are not limited to:
  - a. Clear and direct dates as a deadline for tasks assigned. The employee's immediate supervisor may track when deadlines are missed to evaluate for potential habits; and/or
  - b. Assess the quality of work products and track how many times work products need to be returned to the employee for corrections.

**7 3-7-8 Remote Work Procedures**

A. Request to Work Remotely

1. Department personnel who wish to request remote work shall provide the request in writing to their immediate supervisor.
2. Upon receiving a request from an employee to work remotely, the immediate supervisor shall determine whether the employee is eligible and evaluate whether the arrangement meets the operational needs of the Department and community members.
  - a. Any requests to change a current Remote Work Agreement shall be made by the employee to their immediate supervisor in a timely manner.



B. Remote Work Agreement

1. If the employee's immediate supervisor determines the employee is eligible to work remotely, they shall complete the Remote Work Agreement form and request all approving signatures.
2. The employee's immediate supervisor shall notify the employee about whether the request was approved or denied.
3. All Remote Work Agreements shall be reviewed by the immediate supervisor at least once per year. If changes or updates are needed, a new Remote Work Agreement shall be completed and routed for all approving signatures. If the changes are not approved, the employee shall continue to work remotely under the current, approved Remote Work Agreement that is in place.

C. Termination of Remote Work Agreements

1. An immediate supervisor or chain of command may revoke the Remote Work Agreement with or without notice for any reason.
  - a. If the Remote Work Agreement is revoked for any reason other than a violation of Department policy regarding remote work, discipline, or proposed discipline, reasonable notice of revocation shall be provided to Department personnel at least one (1) week prior to revocation when possible.
  - b. Revocations could occur if the employee is not:
    - i. Adhering to remote work procedures and guidelines;
    - ii. Returning calls, answering e-mails, or is unavailable during the scheduled workday;
    - iii. Cooperating with co-workers; or
    - iv. Maintaining established guidelines to ensure workload productivity.

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D. Union Contracts and Collective Bargaining Agreements

This policy does not supersede or affect any language or benefits provided under any applicable union contracts or collective bargaining agreements (CBA).