



ADMINISTRATIVE MEMORANDUM

COUNTY OF SAN MATEO

NUMBER: E-17

SUBJECT: County Employees must perform work in the State of California

RESPONSIBLE DEPARTMENT: Human Resources Department

APPROVED: 
Michael Callagy, County Manager

DATE: 7/15/21

Teleworking is an arrangement that allows employees of the County of San Mateo to conduct their work remotely, from a designated area outside the office. Teleworking is a cooperative arrangement between employees, supervisors, and employing departments. The County's Telework Guide and Agreement outlines position and employee eligibility, procedures, and expectations regarding employees working remotely. All employees who are teleworking are expected to have a signed Telework Agreement on file and the conditions of that agreement must be revisited and agreed to on at least an annual basis.

Although the pandemic emergency increased the opportunities for some County employees to telework, this memo is clarifying that employees may not remotely perform their County job from outside of the State of California. The County of San Mateo is a local government agency and not a nationwide organization. As such, working remotely from out-of-state creates tax and other potential liabilities and operational impacts, including limiting the ability of an employee to timely respond to a requirement to report for on-site work. Furthermore, pursuant to the California Emergency Services Act, any person employed by a county, city, state agency, or public district in California is a public employee and considered a Disaster Service Worker. In the event of an emergency, a Disaster Service Worker may be called into work and required to report for duty on short notice. Employees who are performing their County employment from out of state cannot fulfill the Disaster Service Worker requirements of state law. For all the above reasons, County employees are not permitted to perform their work outside of the state of California.

There may be limited circumstances where an employee may receive approval to work remotely from out-of-state for a brief, defined period of time; however, such remote out-of-state teleworking requires written approval by both the employee's Department Head or designee and the County's Human Resources Director or designee, and the request

must be supported by compelling business reasons, an explanation of limited family health circumstances, or other critical need.

Any employee currently working remotely from out-of-state must return to performing all remote work from within the State of California by no later than December 31, 2021.