

## **RISK MANAGEMENT TELECOMMUTING / MOBILE WORK PROGRAM QUESTIONS AND ANSWERS**

### **Is the home office an extension to the work office?**

There are similarities and differences between a home office and a work office. One of the major similarities is that County work is done by employees using County-owned equipment. Two major differences are that the County does not own, control, or maintain the physical space in and around the home office and the County does not control the activities that go on in and around the home office.

To make the Mobile Work program successful, it is important that the employee set up a home office and work routine similar to that of the work office. To assist the employee, the Risk Management Unit provides a safety checklist, ergonomic training, and certain ergonomic equipment at no cost to the employee. A copy of the home safety checklist and an ergonomic computer workstation guide are provided in Appendix A and Appendix B, respectively.

### **Who is liable for work-related injuries at the home office or at the alternate work sites?**

When an employee sustains an injury, he/she should file a workers' compensation claim with the supervisor. The supervisor would then submit the claim to the third party administrator who will then investigate the incident. If it is determined that the injury arose out of or in the course of employment, the claim would be accepted regardless of the work location.

Please note that the County does not own, control, or maintain the home office or other areas of the home. Injuries that occur at the home are treated differently from an injury that occurs on County premises. It is the responsibility of the employee to setup, use, and maintain the home office in a safe manner. It is also important that the employee periodically inspect the home office and the rest of the house for safety hazards. A copy of the home safety checklist and an ergonomic computer workstation guide are found in Appendix A and Appendix B, respectively.

The Agency/Department should set specific work hours, work areas, work duties, and work activities. In short, the routine at the home office should reflect the work expectations and routine at the office. Personal business should not be conducted during the business hours regardless of the work location.

### **Will the Agency/Department or RMU conduct a safety inspection on the home office?**

The County will follow the federal OSHA policy which is not to conduct inspections of employees' home offices. The federal OSHA policy represents a balancing of concerns for maintaining the privacy of the employee's home environment and protecting the safety of the employee. In an effort to balance these concerns, the County will provide training to employees on how to set up a safe and ergonomically appropriate work environment, but will not enter employee homes on a routine basis to perform inspections. A copy of OSHA Directive Number CPL 2-0.125 is attached for your reference. (Appendix C)

### **Will the Agency/Department or RMU conduct an ergonomic evaluation of the home office?**

No, the County does not own, control, or maintain the home office. The RMU will provide ergonomic training at no cost to the employee. The employee may obtain the training through the HRS Conference Center, through department training, or online Target Safety courses. The Risk Management Unit will, at the request of Agency/Department, put on ergonomic training classes at the various worksites.

**Are there restrictions on the use of the Employer-owned equipment, software or information at the home office or at an alternate work site?**

Yes. County-owned equipment is to be used for official purposes only. Employees must adhere to all rules, regulations, and procedures relating to security and confidentiality of work-related information and data. Employees accessing records from an alternate work site must maintain appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of the records in accordance with the Privacy Act. The Act states that, "no agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains."

**Who is responsible for maintaining and servicing County-owned equipment used at the home office or alternate work site?**

The Agency/Department will be responsible for the service and maintenance of County-owned equipment. If the equipment is damaged or broken, it is the employee's responsibility to notify his/her supervisor immediately so that the equipment can be repaired or replaced.

**Who is responsible if the equipment is damaged, missing, or stolen?**

If the equipment is damaged through normal use or by accident, the Agency/Department will replace it. If the equipment is damaged through abuse, the Agency/Department will replace it, but the employee may be subject to disciplinary procedures.

If the equipment is missing, the Agency/Department will replace it, but the employee may lose the mobile work privilege.

If the equipment is stolen, a police report must be submitted to Agency/Department. The Agency/Department will then replace the equipment.

**If I was working in the course and scope of my employment and I was involved in a motor vehicle accident, who is responsible for the repair of my personal vehicle?**

You are responsible for the repair of your vehicle. Provided you file the appropriate claim forms, the County will reimburse you for the portion of the repair cost that is not covered by insurance or is subject to your deductible, whichever is less, up to a maximum of \$500. Claim forms may be found on the risk management website at <http://alcoweb/rmu/claims/personalclaim.htm>

## Appendix A

# County of Alameda Safety and Health TELE-WORK HOME OFFICE SAFETY CHECKLIST

This form should be completed by the tele-worker:

Employee \_\_\_\_\_ Date \_\_\_\_\_  
Supervisor/ Manager \_\_\_\_\_  
Tele-work Site Address \_\_\_\_\_  
Description of work area \_\_\_\_\_

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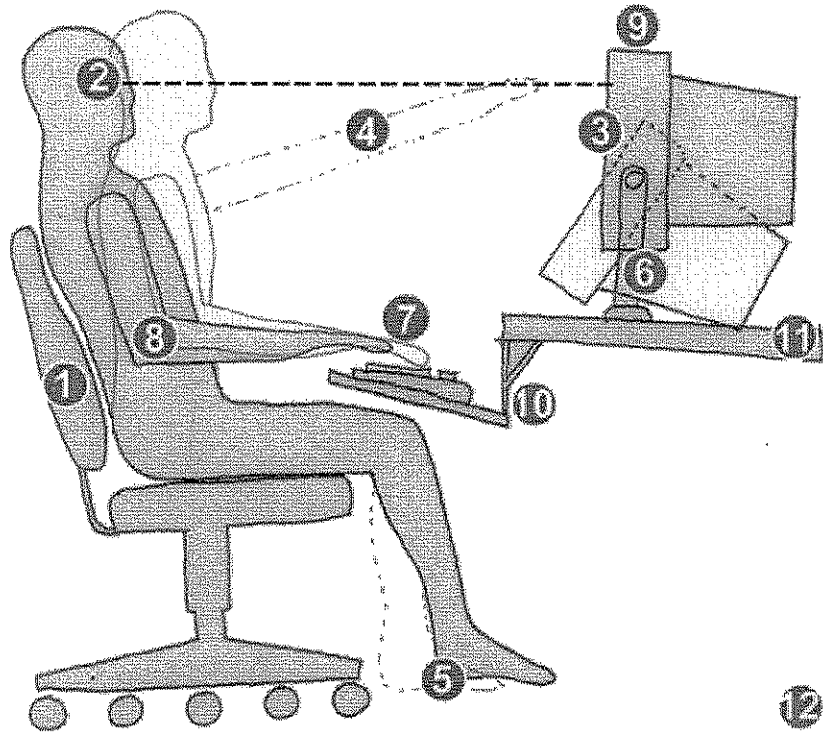
This checklist is designed to assess the safety of the tele-work site. Tele-work applicants should inspect their desired work site and complete this form.

1. Is the work space free from excessive noise?  Yes  No
2. Is adequate lighting (side or rear) provided at the work station?  Yes  No
3. Is all electrical equipment free of recognized hazards that could cause physical harm (Frayed wires running through walls, exposed wires fixed to the ceiling)?  Yes  No
4. Is electrical system adequate for office equipment?  Yes  No
5. Is electrical equipment grounded?  Yes  No
6. Are surge protectors properly installed?  Yes  No
7. Are aisles, doorways and floors free of obstructions to permit visibility and movement?  Yes  No
8. Is there an exit that allows prompt exiting?  Yes  No
9. Are phone lines, electrical cords and extension wires secured under a desk or along a baseboard?  Yes  No
10. Is the office space neat and clean?  Yes  No
11. Is a working fire extinguisher located nearby?  Yes  No
12. Are working smoke detectors installed at the work site?  Yes  No
13. Is the work area private and free of intrusion?  Yes  No
14. Are files and data secured?  Yes  No
15. Are first aid supplies readily accessible and adequate?  Yes  No
16. Are office furniture and equipment ergonomically correct?  Yes  No
  - a. Desk: 26"-29" high?  Yes  No

- b. Chairs: Sturdy and adjustable (90° at knees, feet flat on floor, 15° back tilt) with backrest and casters appropriate for floor surface?  Yes  No
  - c. Keyboard: In line with wrist and forearm position?  Yes  No
  - d. Monitor: 20-24" from eyes: top of screen slightly below eye level?  Yes  No
17. Are work materials and equipment in a secure place that can be protected from damage or misuse?  Yes  No
18. Are the office and ergonomic equipment operational and in good condition?  Yes  No
19. Are there security requirements in place to protect confidentiality and security of company information and computer systems?  Yes  No

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

**Appendix B**  
**12 Tips for an**  
**Ergonomic Computer Workstation**  
(Cornell University)



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1. Use a good chair with a dynamic chair back and sit up
  2. Top of monitor screen should be set at eye level
  3. No glare on screen
  4. Sit at arm-length from the monitor
  5. Feet flat on the floor or on a stable footrest
  6. Use a document holder, preferably in-line with the computer screen
  7. Wrists flat and straight
  8. Arms and elbows relaxed and close to body
  9. Center monitor and keyboard in front of you
  10. Use a negative tilt keyboard tray
  11. Use a stable work surface and stable keyboard tray
  12. Take frequent mini breaks



UNITED STATES  
DEPARTMENT OF LABOR

Occupational Safety & Health Administration

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|-------------------------|-----------------------|
| • Record Type:          | Instruction           |
| • Directive Number:     | CPL 02-00-125         |
| • Old Directive Number: | CPL 2-0.125           |
| • Title:                | Home-Based Worksites. |
| • Information Date:     | 02/25/2000            |



# OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

**DIRECTIVE NUMBER:** CPL 2-0.125      **EFFECTIVE DATE:** February 25, 2000

**SUBJECT:** Home-Based Worksites

## ABSTRACT

**Purpose:** This instruction provides guidance to OSHA's compliance personnel about inspection policies and procedures concerning worksites in an employee's home. This instruction supersedes all previous statements and guidance on the subject.

**Scope:** OSHA-wide

**References:** OSHA Instruction CPL 2.103, Field Inspection Reference Manual (FIRM)  
OSHA Instruction CPL 2.115, Complaint Policies and Procedures;  
OSHA Instruction STP 2.22A, State Plan Policies and Procedures Manual.

### State

**Impact:** State Adoption not Required, See Section IV.

### Action

**Offices:** National, Regional, and Area Offices.

**Originating**

**Office:** Directorate of Compliance Programs.

**Contact:** William J. Smith or Helen Rogers (202-693-1850)  
Directorate of Compliance Programs  
Frances Perkins Building, N-3603  
200 Constitution Avenue, NW  
Washington, DC 20210

By and Under the Authority of Charles N. Jeffress, Assistant Secretary

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- I. Purpose. This instruction provides guidance to OSHA's compliance personnel about inspection policies and procedures concerning worksites in an employee's home. This instruction supersedes all previous statements and guidance on the subject.
- II. Scope. This instruction applies OSHA-wide.
- III. References.  
OSHA Instruction CPL 2.103, Field Inspection Reference Manual (FIRM);  
OSHA Instruction CPL 2.115, Complaint Policies and Procedures;  
OSHA Instruction STP 2.22A, State Plan Policies and Procedures Manual (SPM).
- IV. Federal Program Change. This instruction describes a Federal Program Change for which State adoption is not required.

NOTE: In order to effectively enforce safety and health standards, guidance to compliance staff is necessary. Therefore, although adoption of this instruction is not required, States are expected to have enforcement policies and procedures which are at least as effective as those of Federal OSHA.

- V. Action Offices.
  - A. Responsible Office. Directorate of Compliance Programs.
  - B. Action Offices. Regional, Area, and District Offices and State Plan States.
  - C. Information Offices. Consultation Project Offices.

VI. Action.

OSHA Regional Administrators, Area Directors, and National Office Directors will ensure that the policies and procedures regarding employee home-based worksites set forth in this instruction are followed.

VII. Definitions.

- A. **Home-Based Worksite:** The areas of an employee's personal residence where the employee performs work of the employer.
- B. **Home Office:** Office work activities in a home-based worksite (e.g., filing, keyboarding, computer research, reading, and writing). Such activities may include the use of office equipment (e.g., telephone, facsimile machine, computer, scanner, copy machine, desk, and file cabinet).

VIII. Background.

The Department of Labor strongly supports telecommuting and telework. Family-friendly, flexible and fair work arrangements, including telecommuting, can benefit individual employees and their families, employers, and society as a whole.

The purpose of the Occupational Safety and Health Act of 1970 (OSH Act) is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions..." (Section 2(b)). The OSH Act applies to a private employer who has any employees doing work in a workplace in the United States. It requires these employers to provide employment and a place of employment that are free from recognized, serious hazards, and to comply with OSHA standards and regulations (Sections 4 and 5 of the OSH Act). By regulation, OSHA does not cover individuals who, in their own residences, employ persons for the purpose of performing domestic household tasks.

OSHA respects the privacy of the home and has never conducted inspections of home offices. While respecting the privacy of the home, it should be kept in mind that certain types of work at home can be dangerous/hazardous. Examples of such work from OSHA's past inspections include: assembly of electronics; casting lead head jigs for fishing lures; use of unguarded crimping machines; and handling adhesives without protective gloves.

IX. Policy for Home Offices.

OSHA will not conduct inspections of employees' home offices.

OSHA will not hold employers liable for employees' home offices, and does not expect employers to inspect the home offices of their employees.

If OSHA receives a complaint about a home office, the complainant will be advised of OSHA's policy. If an employee makes a specific request, OSHA may informally let employers know of complaints about home office conditions, but will not follow-up with the employer or employee.

X. Policy for Other Home-Based Worksites.

OSHA will only conduct inspections of other home-based worksites, such as home manufacturing operations, when OSHA receives a complaint or referral that indicates that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, including reports of a work-related fatality.

The scope of the inspection in an employee's home will be limited to the employee's work activities. The OSH Act does not apply to an employee's house or furnishings.



Employers are responsible in home worksites for hazards caused by materials, equipment, or work processes which the employer provides or requires to be used in an employee's home.

If a complaint or referral is received about hazards at an employee's home-based worksite, the policies and procedures for conducting inspections and responding to complaints as stated in OSHA Instruction CPL 2.103 (the FIRM) and OSHA Instruction CPL 2.115, will be followed, except as modified by this instruction.

XI. Other Requirements.

Employers who are required, because of their size or industry classification, by the OSH Act to keep records of work-related injuries and illnesses, will continue to be responsible for keeping such records, regardless of whether the injuries occur in the factory, in a home office, or elsewhere, as long as they are work-related, and meet the recordability criteria of 29 CFR Part 1904.

Other than clarifying the policy on inspections and procedures concerning home-based worksites, this instruction does not alter or change employers' obligations to employees.