



# *Bay Area* Commuter Benefits Program

## OPTION 5 GUIDE

Updated as of May 4, 2021

The Bay Area Commuter Benefits Program is a partnership led by the Metropolitan Transportation Commission and the Bay Area Air Quality Management District.



METROPOLITAN  
TRANSPORTATION  
COMMISSION



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT





## OPTION 5: TELEWORK

The Bay Area Commuter Benefits Program includes a provision for employers to comply through offering a company-wide telework program. Option 5 may be especially relevant for employers whose work sites are not well served by transit or that have a high number of employees driving to a worksite.

This guide is intended to assist employers in complying to the Commuter Benefits Program through an Option 5: Telework program. This guide is designed to cover some of the basics in complying with the Commuter Benefits Program through Option 5: Telework as well as providing additional resources. This guide provides information on the following:

- Option 5 Telework versus Option 4 Telework
- Implementing an effective and compliant telework program
- Recordkeeping
- Employee equity considerations
- Resources

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For online information  
about the  
Bay Area Commuter Benefits  
Program, visit [511.org](http://511.org).



## OPTION 5: TELEWORK

Teleworking, also known as telecommuting or remote working, replaces travel to and from the worksite with telecommunications technologies. In addition to saving time and money for employees, teleworking can be an effective strategy for reducing drive-alone trips to and from the worksite. Teleworking is a perk many employees find valuable, which can help employers attract and retain the best talent and improve employee productivity.

The Telework Enhancement Act of 2010 (111.292) defines telework, including remote work, as a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home or telework center) with the goal of reducing SOV trips.

The Commuter Benefits Program has updated the compliance options available to employees with additional flexibility while also removing Single-occupancy Vehicle (SOV) trips from Bay Area commutes

by expanding options for Telework, or Remote Work, by adding Option 5: Telework. Through Option 5, employers can now comply solely by offering telework benefit options to employees.

### Option 5 Telework vs Option 4 Telework

Option 5 Telework is different than offering limited or restricted telework as part of the Option 4 benefit. Under Option 4, telework is not offered to all employees, or teleworking is permitted less than one day a week.

Option 5 requires a policy allowing telework one or more days per week for all employees whose assignments can be performed remotely. Complying with the Commuter Benefits Program under Option 5 means each employer's telework policy will offer at least these minimum requirements. Also, the employer must not remove existing benefits available to workers whose duties do not allow them to take advantage of the teleworking benefit. If the employer removes any existing commuter benefits offered to employees, then compliance through Option 5 will need to be approved by the [Air District](#) on a case-by-case basis.

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## Implementing an Option 5 Telework Program

The best commuter benefits to offer employees will vary from employer to employer based on the work site location, including access to transit, and limits of an organizations' duties and schedules. It is up to each employer to determine what is best for their organization. A telework program is an effective tool for employers removed from transit, bicycle, and pedestrian infrastructure and/or a situation where a majority of employees drive to work.

Compliance through a telework program requires a written policy detailing the accessibility and frequency of your teleworking benefit. For Option 5, all employees whose job requirements allow for telework are permitted to do so, and employees are able to telework one day or more a week.

## Recording-keeping

It is the responsibility of the employer to maintain records documenting that a telework program used to comply with the requirements of the Bay Area Commuter Benefits Program under Option 5 meets the minimum requirements outlined above.

Also, the employer must be able to show that employees were notified at the time the benefit was initially made available and as part of the new hire orientation process for new employees. Documents must be maintained for a period of three years and will be made available to the Air District upon request.

## Trip Reduction

For employers who want to get the most out of their telework policy, the US EPA has developed a greenhouse gas (GHG) Emissions Calculator. This calculator is designed as a tool to help small businesses and low emitter organizations estimate and inventory their annual greenhouse gas (GHG) emissions. The calculator will determine the direct and indirect emissions from all sources at a company when activity data are entered into the various sections of the workbook for one annual period, but for the purposes of complying under Option 5: Telework, the employer should focus on the "Commuting" tab in the spreadsheet. Here is a link to the calculator:

<https://www.epa.gov/climateleadership/simplified-ghg-emissions-calculator>

## Employee Equity

Employers that implement a telework program to comply with the requirements of the Bay Area Commuter Benefits Program need to balance the needs of all employees, including essential workers. The implementation of a telework program should in no way reduce benefits that were previously available to essential workers, or those employees that must perform a job duty on site, and therefore cannot take advantage of the benefits of teleworking.

Remember, in order for an employer to be pre-approved to comply under Option 5: Telework, the employer must not remove existing benefits being offered to employees whose duties cannot be done outside the worksite. If an employer removes existing commuter benefits already being offered to employees, then Option 5: Telework will need to be approved by the [Air District](#) on a case-by-case basis.

In addition, the Bay Area Council Economic Institute produced a study on remote work in the Bay Area which shows the ability to utilize telework is highly correlated with salary. In other words, the more an employee is paid the more likely that employee can telework.

There are also disparities based on race. For instance, "... racial and ethnic inequities in the demographics of the pre-pandemic population employed in occupations

eligible to work from home. Based on the pre-COVID-19 occupational makeup across the nine counties, 51 percent of the white workforce and 52 percent of the Asian workforce held a job in an occupation eligible for remote work, while 33 percent of the Black workforce and 30 percent of the Latinx workforce in the region held a job in an occupation eligible for remote work."

More information is available in the study here:

[http://www.bayareaeconomy.org/wp-content/uploads/2020/12/BACEI\\_RemoteWork\\_12.21.20.pdf](http://www.bayareaeconomy.org/wp-content/uploads/2020/12/BACEI_RemoteWork_12.21.20.pdf)

Employers complying with the Bay Area Commuter Benefits Program through utilization of a telework policy should be aware of the equity considerations for telework, including studies showing disproportionate opportunities for teleworking between different occupations and employee resources for those unable to work remotely. It will be up to each employer to ensure their telework policy is balanced and serves all their employees in an equitable manner.

See the following for more information on the Air District website regarding equity concerns:

<https://www.baaqmd.gov/plans-and-climate/climate-protection/remote-work-policy-clearinghouse/equity>

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**RESOURCES****Additional Information on Equity**

The Unequal Commute:

<https://www.urban.org/features/unequal-commute>

Equity resources on the Air District's Telework Resource Center:

<https://www.baaqmd.gov/plans-and-climate/climate-protection/remote-work-policy-clearinghouse/equity>

**Conducting Employee Commute Survey**

Best Workplaces for Commuters Employee Survey Guide:

<https://www.bestworkplaces.org/pdf/survey-guidelines-faq.pdf>

### Example Telework Model Policy

**Note:** *This model policy is intended to act as a guideline and framework for employers choosing to adopt a telework program. Employers can modify and edit this document to reflect their company policies. It is important for employers to provide equitable options to employees whose duties do not allow for telework, such as essential employees who must report to the worksite.*

#### Purpose

The Telework Policy supports teleworking as a strategy to:

- Provide workplace flexibility and job satisfaction for staff whose responsibilities are suitable for telework.
- Recruit and retain staff.
- Increase productivity.
- Reduce greenhouse gas emissions resulting from single occupancy commutes to work.
- Comply with the Bay Area Commuter Benefits Program
- Provide all employees equitable commuter benefits.
- Insert further policy purposes

Flexibility will be made where possible for employees that cannot utilize the telework benefit.

#### Policy

Telework is currently available for staff performing the following functions: Insert Staff Functions. Telework may not be suitable for all company positions due to the nature of duties. The company telework policy enables employees to work remotely one or more days per week. Other commuter benefits will continue to be provided to those employees who must report to a worksite to perform their onsite functions.

#### Guidelines

- Telework is feasible based on the type of work the employee is expected to perform.
- Teleworking is coordinated with staff or team members. Equitable consideration will be given to staff who are required to report to the worksite.
- Insert further guidelines

#### The employee will:

- Be available for telephone calls, emails, and online meetings.
- Maintain an up-to-date calendar.
- Insert further employee responsibilities

#### The supervisor will:

- Establish and communicate clear telework performance expectations.
- Develop a plan and timetable with regular check-ins for employees.
- Communicate issues if and when they arise, and work with the employee to resolve them.
- Work creatively to maintain a collaborative team environment across the company to support a growing telework environment and ensure consistent and equitable treatment.
- Work to ensure teleworking does not serve as a barrier to professional development opportunities.
- Work to address technological, logistical, organizational telework barriers.
- Insert further supervisor responsibilities

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### Compressed Work Week Model Policy

*This model policy is intended to act as a guideline and framework for employers choosing to adopt a Compressed Work Week schedule **and may be used in conjunction with a telework program**. Employers should modify and edit this document to reflect their company and company policies.*

#### Purpose

The Compressed Work Week (CWW) Policy supports alternative schedules as a strategy to:

- Provide workplace flexibility and job satisfaction for staff whose responsibilities are suitable for compressed work week schedules.
- Recruit and retain staff that may not live in close proximity to the worksite(s).
- Increase productivity and reduce possible burnout by providing alternative work schedules.
- Reduce greenhouse gas emissions resulting from reduced means of commuting to work.
- Support a Commuter Benefits Program that is in compliance with the Bay Area Commuter Benefits Program.

CWW schedules may not be appropriate for all positions and will depend on individual job functions.

#### Policy

CWW schedules are currently available for staff performing the following functions Insert Staff Functions CWW schedules are not suitable for all positions/functions.

Participating in a CWW schedule on a regular or short-term basis requires completion of the Compressed Work Week Agreement by the employee *and* Insert relevant management and/or HR. CWW as a temporary arrangement requires a verbal or written approval from Insert supervisor.