



Oregon

Kate Brown, Governor

Employment Department

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Salem, Oregon 97311

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www.Employment.Oregon.gov



May 4, 2020

Rose Freeby
5301 SE Oetkin Rd
Milwaukie, OR 97267

Dear Ms. Freeby,

I am writing in response to your March 19, 2020 and March 30, 2020 public records request. I have outlined each item you requested and detailed the agency's response.

March 19, 2020 Request:

1. Please provide the source for that information and copies of what you considered (this is a formal request for your full record). You may provide them postal to 5301 se Oetkin rd Milwaukie Oregon 97267.

It is my understanding, on March 30, 2020 Erin West indicated in her email that she provided everything that was considered in your appeal.

2. This is a formal request for a copy of your procedures - my appeal options (are we off to the court of appeals? Just want the record to reflect I exhausted all administrative options first). Please email your procedures thank you.

The SEIU Letter of Agreement (LOA), dated March 13, 2020 states the following to all Union members:

*"Temporary Expanded Telework Options – For the period of March 1, 2020 through at least June 30, 2020 or a date mutually agreed upon, unless this LOA is revoked due to an increased level of emergency, employee telework requests will be presumed to be acceptable unless denied within seventy two hours of the request. For this period, the only criteria an employer may use as basis to deny a telework or telecommute request will be whether the position is suitable for telecommuting or telework, availability of teleworking supplies such as laptops and cell phones, or network adequacy. **If the employee disagrees with the Agency's decision, the employee may appeal the decision in writing to the DAS/LRU within five (5) calendar days of receipt of the Agency's decision. The DAS/LRU decision shall not be subject to the grievance procedure.**"*

The Telework Policy, associated procedures and the Telework Matrix have been sent to your personal email account, including the associated SEIU LOA that references appeal options.

3. I have a prior denied request from approximately five years ago. I would like you to have copies of my submissions then and my emails prior to being out requesting a telework agreement.

This information is attached to this email.

March 30, 2020 Request:

1. Please provide a copy of the business continuity plans for OED/ UI and all statements made to any funding source regarding offsite capabilities; teleworking telecommuting. This includes but is not limited to federal and state funding sources and representations made to the legislature, and pursuant to the teleworking telecommuting statutes.

The current Oregon Employment Department Continuity of Operations Plan (COOP) has been reviewed. This document contains confidential information and is therefore exempt from public disclosure under Oregon state law. This document does not contain specific funding source information; information regarding teleworking or telecommuting capabilities; nor does it contain statements regarding offsite capabilities of the Cisco phone system.

1a: please provide all memos and policies regarding the portal for talk and allowing encrypted email in lieu of phone for interviews and information gathering;

This information will be sent to your personal email by May 8, 2020.

2. please identify all funds received from any source in reliance on bcp representations since 2010

Please refer to the above answer to request 1 from your March 30, 2020 request.

3. please identify all persons performing ui functions remotely; teleworking telecommuting and all telework telecommute agreements since January 1, 2015 through the present date.

There are no employees approved to process UI Claims or perform Employment Adjudication functions remotely and this is consistent with the telework/telecommute matrix. There may have been an employee or two that teleworked in the past that performed partial UI Claims or Employment Adjudication assignments that were not in compliance with the telework policy and procedures; and those arrangement were discontinued.

During the COVID-19 pandemic, DAS CHRO issued guidance allowing agencies to choose whether or not require telework/telecommute agreements. Our agency opted not to require telework agreements for all employees. The telework agreements that are in place are not stored in one central location. The individual managers have the authority to approve telework arrangements for their employees within the guidelines of the DAS telework policy, the Employment Department procedures and telework matrix and the current SEIU LOA. Since this information is not centralized and not required at this time, Human Resources does not have this information available to provide.

4. in addition please confirm all oed ui personnel with telework telecommute off-site hours in 2019 and 2020. (off site is defined as anywhere other than the Beaverton and bend call centers)

We do not have record of this. There is nothing to provide, please see response to request 3 above.

5. Please provide copies of all statements and representations made to das-lru including phone recordings which I now understand are a required record (or which is at least alleged) including all recorded management meetings and communications between managers addressing teleworking telecommuting requests and capabilities in 2020.

We do not have recorded business calls with DAS LRU. There are no recorded management meetings with DAS LRU. The email statements between DAS LRU and managers regarding your telework appeal are attached to this email. For any additional records you are requesting, we will require further clarification.

I appreciate your patience as we work through your requests for records. Due to the broad nature of some of your requests we were not able to provide a cost estimate. If you would like to modify your request and resubmit, further review can be taken and a cost estimate will be provided. On March 20, 2020, Human Resources Business Partner Renee Wakeen reached out to you to clarify details and was unable to connect with you.

Thank you,

Jessica Prakke

Attachments Sent Via Email:

SEIU Letter of Agreement

OED Adoption of DAS Statewide Telework Policy

Your Telework Request and Denial

Emails sent from OED to DAS re: Rose Freeby's telework request

DAS Records Request Response

OED Telework Matrix

2015 Public Records Request

Continuity of Operations Plan Cover Sheet