



## Telecommuting and Alternative Work Policy

<b>Policy Title:</b>	Telecommuting and Alternative Work Policy
<b>Policy Type:</b>	Administrative
<b>Policy Number:</b>	10-15 (2020)
<b>Approved:</b>	November 24, 2020
<b>Responsible Office:</b>	Human Resources
<b>Responsible Executive:</b>	Vice President for Operations and Chief Strategist for Institutional Effectiveness
<b>Applies to:</b>	All eligible classified, wage, and Administrative/Professional Faculty employees

### **POLICY PURPOSE:**

The Code of Virginia (§ 2.2-2817.1) and the Virginia Department of Human Resource Management (DHRM) policy 1.25 requires each state agency to establish a telecommuting and alternative work policy. Norfolk State University (University) has established this policy to permit management to designate employees to telecommute and/or participate in alternative work schedules for all or part of the work week, to the maximum extent possible without diminished employee performance or service delivery.

### **DEFINITIONS:**

**Alternate work location** – Approved locations other than the employee’s central workplace where official university business is performed. Such locations may include, but are not limited to, the home of an employee and satellite offices.

**Alternate work schedule** – Schedules that differ from the standard workweek, 40-hour workweek schedule, if such schedules are deemed to promote efficient university operations. Alternative work schedules may include, but not be limited to, four 10-hour days, rotational shifts, and large-scale job sharing.

**Central workplace** – University place of work where the employee normally performs his/her duties.

**Telecommuting** – A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with a written telecommuting agreement.

**Full-time teleworker** – An employee who, under formal pre-approved agreement with the University, teleworks their entire work schedule.

**Hybrid teleworker** – An employee who, under an active telecommuting agreement, consistently teleworks 32 hours or more per month (but less than full-time), typically one or two days a week,



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from the alternate work location(s) documented in the telecommuting agreement.

**Limited teleworker** – An employee who, under an active telecommuting agreement, consistently teleworks less than 32 hours per month on a sporadic or task-driven basis in response to a specific university need.

**Telecommuting agreement** – A written agreement between the University and the employee that details the terms and conditions of the employee’s work away from his/her central workplace, including any applicable alternative work schedule.

### **POLICY CONTENTS:**

Although many of the University’s programs, operations, and services are normally performed on university premises and require the presence of employees at the central workplace, department heads have the authority to designate positions eligible for telecommuting or alternate work arrangements. While alternate work arrangements may meet the needs of both the department and the employee, management has the sole discretion to determine when this is appropriate. In certain cases, a telecommuting agreement could be considered a reasonable accommodation for an employee with a disability covered under the Americans with Disabilities Act (ADA). Contact Human Resources for more information.

Approvals for Telecommuting will be made on a case-by-case basis. The approval of a position for Telecommuting does not mean that any employee who later may fill that same position would be authorized to work at alternate work sites. The position will be periodically re-evaluated to determine if Telecommuting continues to meet the department’s needs. If Telecommuting is expected as a condition of employment, the job announcement will include a statement describing this requirement.

Telecommuting may be appropriate for some employees and roles but may not be appropriate for others. Telecommuting is not an employee benefit and not an entitlement. It does not change the terms and conditions of employment with Norfolk State University.

Norfolk State University considers telecommuting to be a viable, flexible work option when:

1. Alternate work arrangements meet the needs of the university.
2. Both the employee and the job are suited to such an arrangement.
3. Responsibilities and tasks can be effectively performed outside the office.
4. Normally, work is performed on university premises.
5. Upon the recommendation of the supervisor, the director or department unit head makes the decision to begin, suspend, or discontinue a telecommuting arrangement.
6. Positions that may be best suited for telecommuting are positions where:
  - Activities can be effectively performed outside the office.



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- Contact with other employees and constituents is predictable and can be scheduled.
- Adequate security of data can be ensured for the work handled at an alternate work location.
- The technology needed to perform the job off-site is currently available.
- Cyclical work does not present a problem.
- Constituent contact can be adjusted to allow for telephone communications, or such contact can be conducted when the employee is in the office.
- The use of photocopiers, fax machines, scanners, or other specialized equipment can be scheduled for days the employee is in the office.

A telecommuting agreement may not be required for teaching and research faculty who normally carry out their work with varied schedules on campus and at alternative locations, including the delivery of distance-learning courses, or for employees who may need to work at alternate worksites for a few days to accommodate unusual circumstances, such as a brief office closing for renovations or relocation.

#### **CONTACT(S):**

Human Resources officially interprets this policy. The Vice President for Operations and Chief Strategist for Institutional Effectiveness is responsible for obtaining approval for any revisions as required by BOV Policy # 01 (2014) *Creating and Maintaining Policies* through the appropriate governance structures. Questions regarding this policy should be directed to Human Resources.

#### **STAKEHOLDER(S):**

All eligible classified, wage, and Administrative/Professional Faculty employees.

#### **PROCEDURES:**

Management is responsible for establishing work arrangements, assignments, and work schedules for its employees based on the operational needs and resources of the department. The decision to establish and/or adjust employee work schedules is made by management and not by the individual employee. Management is expected to apply flexible work arrangements fairly and equitably.

#### **1. ELIGIBILITY:**

##### **a. General Eligibility**

Before entering into any telecommuting agreement, the employee, supervisor, and division Vice President with the assistance of the Office of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:



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1. **Job responsibilities** – The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
2. **Equipment, technology, and workspace** – The employee and supervisor will review the physical workspace needs and the appropriate location for telecommuting. Additionally, the technology needed to perform the job must be available.
3. **Scheduling** – The supervisor, in consultation with the employee, will determine the most appropriate work schedule.
4. **Security** – Adequate security of data can be ensured for the work handled at an alternate work location.
5. **Tax and other legal implications** – The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee, supervisor, and division vice president agree to the terms of the arrangement, a telecommuting agreement will be prepared and signed by all parties.

Evaluation of the telecommuter's performance will be consistent with that received by employees working at the central workplace office in both content and frequency but will focus on work output and completion of objectives.

An appropriate level of communication between the telecommuter and supervisor will be agreed upon as part of the discussion process. The supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

#### **b. Position Eligibility**

In making decisions about which positions are suitable for telecommuting, management, in consultation with Human Resources, will analyze the duties and operations of the positions. The following types of positions may be appropriate for telecommuting are those that:

1. can be monitored by output, not time spent doing the job
2. require independent work
3. require little to no face-to-face interaction
4. result in specific, measurable work products

Positions not eligible or appropriate for telecommuting are those that:



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1. require an employee to be on campus to complete the required tasks of the position
2. do not require the use of technological devices such as a computer or a phone
3. require face-to-face contact
4. involve physical handling of equipment or materials

#### **c. Employee Eligibility**

In making decisions about which employees are suited for telecommuting, management, in consultation with the Human Resources, will review the work qualities of employees in addition to ensuring that their positions are appropriate for telecommuting. The supervisor/manager has the discretion to approve, disapprove or rescind telecommuting at any time. Generally, employees who are successful in telecommuting:

1. are able to work productively on their own
2. are self-motivated and flexible
3. are knowledgeable about the job
4. are dependable and trustworthy
5. have acceptable performance records
6. are organized
7. are responsive to communications and inquiries

## **2. TELECOMMUTING AGREEMENTS:**

Work performed in alternate work locations is considered official university business; therefore, departments may establish specific conditions that apply to employees engaged in telecommuting. The telecommuting agreement may incorporate an alternate work schedule and designate the employee as a full-time teleworker, hybrid teleworker, or limited teleworker. The content of the telecommuting agreement should follow the general provisions of the telecommuting plan. At a minimum, the agreement should define:

- a.** A work schedule that specifies telecommuting days, location, and hours.
  1. Employees are responsible for reporting all hours worked each week.
  2. Failure to report time and/or failure to obtain approval for overtime can result in the termination of the telecommuting arrangement or other disciplinary action.
  3. Supervisors should periodically remind employees of their record-keeping duties and must promptly discuss with the employee any discrepancies that arise between the work product and the hours reported.
- b.** Required methods of communication specific to telecommuting (e.g. Skype, phone).
- c.** The duration of the telecommuting arrangement.



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- d. Responsibility for telecommuting equipment.
- e. Circumstances requiring on-site attendance.

Telecommuting agreement requirements:

- a. The employee's supervisor, department head, and the appropriate vice president must also approve the agreement. The agreement will be submitted to the Human Resources for approval, recordkeeping and for reporting to the Commonwealth's Department of Human Resource Management (DHRM). Changes to the agreement must be reported to Human Resources.
- b. Supervisors or managers, in consultation with the Human Resources, may terminate the telecommuting agreement at their discretion and should give employees advance notice, when possible. Employees may be required to return to the central workplace if deemed as having performance or work conduct problems, or if management feels it is in the best interest of the University to discontinue the telecommuting agreement, either permanently or temporarily.
- c. The employee will perform essentially the same work that they would in the central workplace in accordance with their same performance expectations. The employee remains under applicable leave policies of the University.
- d. Employees must agree to comply with university rules, policies, practices, and instructions and understand that violation of such may result in the termination of the telecommuting arrangement and/or disciplinary action, up to and including termination of employment.
- e. Classified employees that enter into a telecommuting agreement must also complete a weekly log form to be reviewed by their supervisor. The log form includes fields for dates and for descriptions of work performed while telecommuting.
- f. All official records, files, documents, and other sensitive data must be protected from unauthorized disclosure.
- g. As appropriate, an inspection of the alternative work location may be conducted.

The University assumes no responsibility for injuries occurring in the employee's alternative work location outside the agreed upon work hours, or for liability damages to employees' real or personal property resulting from participation in the telecommuting arrangement. Workers' compensation coverage is limited to the designated work areas at the alternate work location(s), and employees must maintain safe conditions in their alternate work location(s). The employee shall practice the same safety habits they would use at their central workplace and follow all normal procedures for reporting illness or injury.

### **3. EQUIPMENT:**

On a case-by-case basis, Norfolk State University will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware,



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software, modems, scanner, phone and data lines and other office equipment) for each telecommuting arrangement. The following must be adhered to regarding equipment:

- a. Human Resources and Office of Information Technology (OIT) will serve as resources regarding the use of equipment for university business.
- b. Equipment supplied by the organization will be maintained by the organization.
- c. The employee will maintain equipment supplied by the employee, if deemed appropriate by the organization.
- d. Norfolk State University is not responsible for damage or repairs to employee-owned equipment.
- e. Norfolk State University is not responsible for operating costs such as electric bills, home maintenance or other costs incurred by employees in the use of their homes as alternate work locations.
- f. Norfolk State University reserves the right to make determinations as to appropriate equipment, subject to change at any time.
- g. Equipment supplied by the university will be used for official business only.
- h. The telecommuter must sign a Loan of Property agreement for all Norfolk State University property received and agree to take appropriate action to protect the items from damage or theft.
- i. Upon termination of employment, all Norfolk State University property will be returned to the company, unless other arrangements have been made.

The employee will establish an appropriate work environment within his or her home for work purposes. The university will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

### **EDUCATION AND COMPLIANCE:**

Human Resources shall make available to all employees training on the requirements of this policy on an annual basis. Records of training will be maintained in Human Resources.

In accordance with Code of Virginia § 2.2-2817.1, Human Resources, in conjunction with the Vice President for Operations and Chief Strategist for Institutional Effectiveness, shall submit reports required by the Virginia Secretary of Administration and the Virginia Secretary of Technology as delegated by University President.

### **PUBLICATION**

This policy shall be widely published and distributed to the University community. To ensure timely publication and distribution thereof, the Responsible Office will make every effort to:



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- Communicate the policy in writing, electronic or otherwise, to the University community within 14 days of approval;
- Submit the policy for inclusion in the online Policy Library within 14 days of approval;
- Post the policy in the university policy library; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary.

Failure to meet the publication requirements does not invalidate this policy.

### **REVIEW SCHEDULE**

- Next Scheduled Review: November 24, 2023
- Approval by, date: President, November 24, 2020
- Revision History: None new policy
- Supersedes: Interim Policy #02 (2020) Telecommuting and Alternate Work Policy

### **RELATED DOCUMENTS**

1. Department of Human Resources Management, Policy 1.61 Telecommuting:  
[https://www.dhrm.virginia.gov/docs/defaultsource/hrpolicy/pol1\\_61.pdf?sfvrsn=d7467c4a\\_4](https://www.dhrm.virginia.gov/docs/defaultsource/hrpolicy/pol1_61.pdf?sfvrsn=d7467c4a_4)
2. Code of Virginia § 2.2-2817:  
<https://law.lis.virginia.gov/vacode/title2.2/chapter28/section2.2-2817.1/>

### **FORMS**

1. [Telecommuting Agreement](#)
2. [Loan of Property Agreement](#)
3. [Classified \[Non-Exempt\] Log Form](#)