



Interim Policy #02 (2020) Telecommuting and Alternative Work Policy

Policy Title: Telecommuting and Alternative Work Policy
Policy Number: Interim Policy #02 (2020)
Approved: July 27, 2020
Responsible Office: Office of Human Resources
Responsible Executive: Vice President for Operations and Chief Strategist for Institutional Effectiveness
Applies to: 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 under which eligible classified, wage, Administrative and Professional Faculty of such agency may telecommute, participate in alternative work schedules, or both, for all or part of the work week, to the maximum extent possible without diminished employee performance or service delivery.

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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.

Central Workplace – An employer’s place of work where employees normally are located.

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, or at least 4 days per month, or at least 32 hours per month, in accordance with a Work Agreement.

Tele-eligible – A position that is deemed eligible by division vice president or director of athletics in conjunction with the Office of Human Resources for the supervisor and the employee to enter into a Work Agreement.

Telecommuting Agreement – A written agreement between the employer and the employee that details the terms and conditions of the employee’s work away from his/her central workplace including work schedules. A Work Agreement is required for telecommuting.

POLICY CONTENTS:

Telecommuting is defined as allowing employees to work at an alternate location. Employees perform essentially the same work that they would in the central work place in accordance with their same performance expectations and other agreed upon terms. Telecommuting arrangements may be established for long-term or short-term periods.

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 work place, 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 should 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 should 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 should include a statement describing this requirement.



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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.

Employees that are telecommuting remain under the leave policies of the university and the Department of Human Resources Management (DHRM).

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.
 - 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.

CONTACT(S):

The Office of 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 the Office of Human Resources.

STAKEHOLDER(S):

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



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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 and manager, division Vice President with the assistance of the Office of Human Resources, will evaluate the suitability of such an arrangement, reviewing the following areas:

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 and 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, manager, 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 and will be more formal during the trial period. After the conclusion of the trial period, the supervisor and telecommuter



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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 the Office of Human Resources, will analyze the duties and operations of the positions. Generally, the following types of positions that 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:

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 Office of 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



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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. Prior to beginning a Telecommuting arrangement, a formal Telecommuting agreement must be executed by both parties. The content of the 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.
- d.** Responsibility for telecommuting equipment.
- e.** Circumstances requiring on-site attendance.

Telecommuting agreement requirements:

- a.** The telecommuting agreement must be completed before the employee can work from an alternate work site.
- b.** The employee's supervisor, department head, and the appropriate vice president must also approve the agreement. The agreement will be submitted to the Office of 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 the Office of Human Resources.
- c.** Supervisors or managers, in consultation with the Office of Human Resources, may terminate the telecommuting agreement at their discretion and should give employees advance notice, when possible.
- d.** Failure to follow policies, rules and procedures may result in the termination of the telecommuting assignment and/or disciplinary action.
- e.** 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.



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- 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 employees' 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.

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

- a. The Office of Human Resources and the Office of Information Technology (OIT) will serve as resources in 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.



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EDUCATION AND COMPLIANCE:

The Office of 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 the Office of Human Resources.

In accordance with Code of Virginia § 2.2-2817.1, the Office of 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:

- 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: Policy expires October 25, 2020
- Approval by, date: President, July 27, 2020
- Revision History: None – *New Policy*
- Supersedes: None – *New 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
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](#)