

Policy Format
IDAHO STATE UNIVERSITY
POLICIES AND PROCEDURES (ISUPP)
Telecommuting
Policy #3120

POLICY INFORMATION

Major Functional Area (MFA): *Human Resources*

Policy Title: *Telecommuting*

Responsible Executive (RE): *HR Director*

Sponsoring Organization (SO): *Human Resources*

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I. INTRODUCTION

As is the case for many institutions of higher education, Idaho State University (ISU or University) thrives on collaboration; sharing information and ideas is the cornerstone of effective work for faculty and staff in academics, research, health care, and a wide array of business operations. In the workplace, telecommuting is available for eligible employees at the discretion of the respective management chain. Though telecommuting may be a viable option for some employees, it is not a right; see eligibility criteria for details in section V.A. Decisions about the suitability of telecommuting are made within the employing department, college, or business unit. When a telecommuting arrangement is agreed to, a formal Work Agreement must be signed and then renewed annually, and the Alternate Worksite Safety Checklist must be completed to ensure the designated workspace meets safety criteria.

II. POLICY STATEMENT

Employing departments may consider telecommuting work arrangements that support eligible employees in performing their work at an Alternate Work Location when it is feasible and in the best interest of the work unit. Telecommuting is available for eligible employees at the discretion of the respective management chain. Where a telecommuting arrangement receives approval, the employee must continue to maintain a regular presence in the workplace and attend, in person or through video technology, any meetings or functions as needed by the respective management chain.

Telecommuting is a voluntary option that may improve efficiency and productivity in certain circumstances; however, while individuals may be more productive when they are alone, work units may be more collaborative and potentially more innovative when they are together. ISU's culture values collaboration among members of the University community, particularly during core business hours. Because of the emphasis placed on collaboration, the vast majority of work time for the University community occurs on campus where access to others is easily accomplished.

Though Regular Telecommuting might be a viable option for some employees, it is not a right. Many positions do not lend themselves to telecommuting. For Fair Labor Standards Act (FLSA) non-exempt employees, given the nature of the work, telecommuting arrangements should only be considered in exceptional circumstances, which may include community disasters or pandemics. Significant operational needs related to student services, clients/patients, laboratory/research support, supervision

of employees and other work may require employees to be onsite. Decisions about the suitability of telecommuting are made by the respective management chain of the employing department, college, or business unit, and only after careful consultation with the Office of Human Resources (HR Office).

III. AUTHORITY AND RESPONSIBILITIES

- A. The HR Office is responsible for maintaining this policy and assisting departments and divisions with questions regarding the suitability of telecommuting arrangements for employees. The HR Office is available to assist management in identifying positions that may be eligible for telecommuting and assisting with the process and necessary Work Agreements for documentation purposes. It is the responsibility of the HR Office to ensure that all levels of the management chain are informed of telecommuting options and the related laws, rules, policies, and limitations that need to be considered in managing telecommuting employees.
- B. Supervisors, department heads, and department chairs are responsible for consulting with the HR Office, Information Technology Services (IT Services), and their respective University Business Officer (UBO) and management chain to assess whether telecommuting is an appropriate work arrangement given the nature of work, the needs of the department, and the past performance of the employee. Supervisors and managers must carefully consider whether a telecommuting arrangement is in the best interest of the respective unit. The management chain has the responsibility to review proposed Work Agreements, and approve, modify, or deny such requests in accordance with the business needs of the unit and while carefully considering the established telecommuting expectations contained in this policy.
 - 1. If the position is suitable for telecommuting, the supervisor shall also ensure that an Alternate Worksite Safety Checklist is completed and that renewed checklists are completed and submitted as appropriate to the working arrangement.
- C. Deans, Vice Presidents, and other Senior Executives that report directly to the President are responsible for reviewing and issuing final approval or denial of proposed Work Agreements. If the Dean, Vice President, or other Senior Executive approves of such an agreement, it is the responsibility of that executive to ensure that frontline supervisors and department heads are managing the performance of the Telecommuter in a manner that is in the best interest of the unit's business needs.
- D. Telecommuter Responsibilities: Before telecommuting begins, and on a periodic basis thereafter, Telecommuters will perform workplace health and safety inspections of the approved Alternate Work Locations by submitting an ISU Alternate Worksite Safety Checklist to their supervisor. Telecommuters will be responsible to correct any identified workplace safety deficiencies in a timely manner. Telecommuters are also responsible for reading and understanding this policy and for meeting established expectations of performance and communication during such an arrangement.

IV. DEFINITIONS

- A. Alternate Work Location: Approved work sites other than the employee's Central Workplace where official ISU business is performed. Such locations may include, but are not necessarily limited to employee homes or satellite offices.
- B. Central Workplace: The place of work where employees are normally located. In unique circumstances, certain employees may be assigned more than one Central Workplace with

approval of their respective Vice President. These circumstances do not require a Work Agreement as the employee has been assigned responsibilities in multiple worksites by management.

- C. Occasional Telecommuting: Approved telecommuting on an infrequent, one-time, or irregular basis that is approved by the supervisor. Occasional Telecommuting does not require a formal Work Agreement.
- D. Out-of-Area Employees: Employees hired into positions assigned to work at non-campus locations are not considered to be telecommuting. Approval for an out-of-area assignment must be obtained from the Dean/Director, UBO, and respective Vice President after consulting with the HR Office, but said employees are not subject to a Work Agreement unless a Central Workplace and Alternative Work Location assignment is issued at a later date. Out-of-Area employees must abide by all ISU Policies and Procedures and may be required to complete an Alternate Worksite Safety Checklist as needed by their respective management chain.
- E. Regular Telecommuting: Approved telecommuting (during normal work hours) on a regular basis, whether weekly, bi-monthly, or monthly. Regular Telecommuting requires the approval of the supervisor, UBO, Dean/Director and respective Vice President through a signed Work Agreement and Alternate Worksite Safety Checklist. Work Agreements are subject to annual renewal, most typically following annual performance evaluation.
- F. Telecommuter: An employee who works away from his/her Central Workplace at an Alternate Work Location.
- G. Work Agreement: the written agreement between the employing department and Telecommuter that details the terms and conditions of the Telecommuter's work away from his or her Central Workplace.

V. PROCEDURES TO IMPLEMENT

- A. Eligibility Criteria: The determination that a position may or may not be appropriate for a telecommuting arrangement is made on a case-by-case basis at the department level in consultation with the HR Office and the respective management chain. Generally, the request to telecommute should be considered when:
 - 1. The employee has demonstrated sustained high performance, and the management chain believes the employee can maintain the expected quantity and quality of work while telecommuting.
 - 2. The department can maintain quality of service for students, faculty, staff, and other members of the University community in a cost effective manner.
 - 3. Telecommuting is appropriate considering the nature of the job; and/or
 - 4. Telecommuting is the appropriate staffing solution in response to a community emergency or pandemic.

Generally, requests for telecommuting should not be considered when:

- 1. The job requires the employee's physical presence at the Central Workplace or telecommuting would harm the department's efficiency.

2. The employee's current assignment requires frequent supervision, direction or input from others who are onsite or requires that the employee provide frequent supervision, direction or input to employees who are onsite.
3. The employee's performance evaluations do not indicate sustained high performance or the ability to work independently.
4. The ability to observe and supervise the employee's productivity would be impeded by remote supervision, or tracking and confirming accurate work hours for the employee would be difficult, such as may be the case for non-exempt, hourly employees.
5. The employee has received disciplinary action or has demonstrated inconsistency in meeting attendance expectations.
- 6.

B. General Expectations: Telecommuting is not intended to permit employees to have time to work at other jobs, provide dependent care during work hours, or allow for the operation of private businesses. Failure to fulfill normal work requirements, both qualitative and quantitative, because of other employment activities, may be cause for disciplinary action, up to and including termination of employment. Telecommuters are expected to have regularly scheduled work hours, to be fully accessible during those hours, and to attend group meetings and functions in person or through video technology as needed. Telecommuters must comply with all ISU Policies and Procedures, including safeguarding and securing any restricted or confidential information with which they work. In the rare circumstance that a non-exempt employee is approved for telecommuting, the employee is required to keep an accurate record of all hours worked. The following general requirements must also be followed:

1. Work Agreement

The employing department and employee will complete a Work Agreement for the review and consideration of the management chain. If approved, the Work Agreement will be reassessed and updated at a minimum of every twelve (12) months, but can be terminated at any time based on the business needs of the unit.

2. Conditions of Employment and Telecommuting

Telecommuting does not change the conditions of employment or required compliance with policies. A Telecommuter's compensation, benefits, and hours he or she is expected to work will not change because of telecommuting, regardless of the work location. Typically, mileage or travel expenses commuting to the regular work site will not be authorized. Telecommuters and Out-of-Area Employees are subject to taxation in accordance with the state in which the Alternate Work Location is located. The Controller's Office and Office of Risk Management must be notified of any non-campus or Alternate Work Locations that are outside the State of Idaho.

- i. Impact on work hours: Prior to implementing any Work Agreement, consideration should be given to how the program may affect a Telecommuter's weekly work schedule, leave and holiday schedules.
- ii. Overtime: Although exempt employees may have flexibility in scheduling and performance of their work, non-exempt employees are covered by the requirements of the FLSA and therefore are subject to overtime pay for

hours worked in excess of forty (40) hours in a week. Due to the complications in supervising the hours of work for non-exempt employees, management is discouraged from approving Work Arrangements for non-exempt employees unless there are exceptional circumstances.

- iii. Shift Differential: Shift differential pay will typically not be authorized for FLSA non-exempt Telecommuters.
- iv. Holidays: Telecommuters will receive holiday pay in a consistent fashion with similar employees in the employing department at the Central Workplace. No Telecommuter will receive additional holiday pay because of a Work Agreement.
- v. Meetings: Supervisors may require Telecommuters to report to a Central Workplace as needed for work-related meetings or other events such as to discuss work progress, work assignment changes, etc. In general, group business meetings or visits should not be held at an Alternate Work Location when it is in a home. However, supervisors should have a reasonable expectation of occasional access to the Alternate Work Location to perform supervisory duties. Mileage reimbursement to and from the Central Workplace will not be authorized.
- vi. Use of Leave: Telecommuting is not intended to be used in place of sick leave, Family and Medical Leave, Worker's Compensation leave, or any other type of leave of absence. However, in consultation with Disability Services and/or the Office of Risk Management, telecommuting may be an opportunity for a partial or full return to work, or as a reasonable accommodation while complying with related ISU, state, and federal policies, regulations, and/or laws as well as the criteria applied to ISU's telecommuting eligibility.
- vii. Work-Site Closures: When the Telecommuter is scheduled to work at the Central Workplace, including periods of severe weather or emergency closing, the Telecommuter may not choose to work at the Alternate Workplace unless pre-authorized by the supervisor. During times of emergency or weather-related closure, the work status of the Telecommuter will mirror that of employees at the Central Workplace. If an emergency or weather-related circumstance prevents the Telecommuter from working at the Alternate Work Location, and the Telecommuter is unable to commute to the Central Workplace, the Telecommuter will report the use of accrued leave as appropriate to the circumstances.
- viii. Personal Business/Dual Employment: Telecommuters may not be employed by another entity nor operate a personal business during telecommuting schedules. Further, Telecommuters should not act as primary care givers for dependents or others nor perform other personal business during the hours agreed upon as work hours. If children or adults in need of primary care are in the Alternate Work Location during a Telecommuter's work schedule, another individual should be present to provide care. Short-term flexibility may be applied for child-care if schools and day care facilities are closed because of emergency circumstances.
- ix. Operating Costs: ISU is not obligated to assume the responsibility for operating costs, (utilities, phone, etc.), home maintenance, home office

furniture, home office remodeling, or other costs incurred by Telecommuters in the use of their home as an Alternate Work Location. It may be appropriate for departments to pay for certain expenses that would be consistent with normal operating expenses for the employing department.

- x. Compliance: It is the Telecommuter's responsibility to ensure that they are in compliance with local zoning regulations if they are telecommuting from home. Telecommuters are advised to contact their insurance agent and a tax consultant for information regarding Alternate Work Locations in the home. The Telecommuter shall be responsible for tax and insurance consequences, if any, as a result of Work Agreements.
- xi. Workers' Compensation and Injuries to Third Parties: ISU's workers' compensation benefits provide coverage for injuries and illnesses incurred in the course and scope of employment. Therefore, it is important that any Work Agreement be clearly detailed in writing between the Telecommuter and management chain so as to reduce the likelihood of an on-the-job injury not being covered under workers' compensation.
 - 1. In any telecommuting situation in which the Telecommuter works from their home, the Telecommuter remains liable for injuries to third persons and/or members of the Telecommuter's family occurring on the Telecommuter's premises.
- xii. Supervision: Any telecommuting option usually results in situations whereby a supervisor is not able to visually observe the Telecommuter's work performance. It therefore becomes important that not only are the right employees and types of positions chosen for Work Agreements, but that supervisors develop appropriate and effective ways to supervise the work of the Telecommuter. To assist in measuring the success of the Telecommuter in meeting performance standards, supervisors should focus on results generated by the Telecommuter rather than on observed performance, and should also communicate in advance what assignments or tasks are appropriate and expected.
 - 1. Supervisors will likely have to spend more time on some supervisory duties with Telecommuters and communicate frequently to ensure the Telecommuter is achieving the department objectives. Supervisors must take care to communicate in advance what assignments or tasks are appropriate to be performed at the Alternate Work Location, and what assessment techniques will be used to measure success in meeting performance standards.
- xiii. Equipment and Materials: To ensure that appropriate security requirements are met and that work is being performed on adequate equipment, the department must provide essential state-owned equipment to the Telecommuter such as personal computers. To ensure ease of technical support and continued work efficiency at the Central Workplace and Alternative Work Location, a laptop may be most appropriate. Equipment that is included in the Central Property Inventory System (CPIS) may not be moved to the Alternate Work Location without an authorized Off-Campus Inventory Authorization Form. The location of equipment not in the CPIS system must be documented in detail and maintained by the

employee's immediate supervisor. The department will determine who will provide additional equipment such as cell phones, printers, fax machines, and other peripherals. Departments should consult with IT Services to determine appropriate and secure IT equipment. Departments should also consult with Risk Management to determine if State-owned property is properly covered while being used at an alternate work site.

1. Authorized Use: State-owned equipment may be used only for legitimate state business purposes, by authorized employees, and in conformance with related state and ISU policies. The Telecommuter is responsible for protecting the state-owned equipment from theft, damage and unauthorized use.
 2. Equipment Installation and Maintenance: Telecommuters will be responsible for the transport of equipment and for returning it to the Central Workplace for maintenance and repair, as well as upon termination of the Work Agreement. The department shall be responsible for maintaining, servicing, and repairing all state-owned equipment and may provide assistance in the installation of equipment and software during normal work hours. The Telecommuters shall ensure no unauthorized software is installed on the state-owned computer. Department-provided equipment should be treated in a consistent fashion with all other department inventory.
 3. Supplies: The department shall provide the supplies and materials required for normal work activities related to the department-owned equipment. The Telecommuter will be responsible for transporting the materials to the Alternate Work Location unless otherwise agreed to in the Work Agreement.
 4. Internet Connection: In most cases, the Telecommuter will be responsible for providing a high speed Internet connection if electronic access is required from their home to the ISU network, as well as any additional phone lines if needed, unless otherwise agreed to in the Work Agreement.
 5. Home Office: If the Alternate Work Location is in the home, the Telecommuter shall provide the work location furniture and space. If a locking file cabinet is required for the protection of data and work documents, the Telecommuter should normally provide it.
- xiv. Security: Telecommuting from home presents security risks that the Telecommuter and ISU must mitigate to ensure the confidentiality, integrity, and availability of ISU information and network services. For those Telecommuters that work with sensitive information such as HIPAA and/or FERPA data, it is unlikely that a home environment will meet data security needs. Departments should carefully consider data security solutions with IT Security before entering into Work Agreements.
1. Protection of Information: All ISU information, regardless of sensitivity level, must be protected. Adequate precautions must be taken at the Alternate Work Location to ensure the security of ISU data, hardware and communication links. Telecommuters will

adhere to all ISU approved security policies, standards, and guidelines to ensure confidentiality, integrity, and availability of ISU resources. ISU data, applications, documents, and other resources must be protected by the Telecommuter from unauthorized viewing, use, or access by all third parties including family and friends. In the event a Telecommuter has received authorization from management to transport or store sensitive data at the Alternate Work Location, data encryption and/or physical security measures must be reviewed with IT Services and implemented in accordance with established IT Security policies as listed in ISU Policies and Procedures.

C. Process for initiating a Work Agreement.

1. An employee who wishes to telecommute shall initiate the completion of an ISU Telecommuting Application and submit it to the employee's immediate supervisor.
2. The immediate supervisor shall review the request in accordance with this policy. The supervisor will then:
 - i. Consult with the HR Office to review this telecommuting policy and the ISU Telecommuting Application.
 - ii. Consult with IT Services regarding automation, communication needs, and data security standards.
 - iii. Contact other affected supervisors and coworkers regarding any request for shared office/equipment arrangements proposed in the ISU Telecommuting Application to assure that such arrangements will meet the needs of the office, department/college, and University.
 - iv. Discuss the suitability of the ISU Telecommuting Application with the respective management chain and IT Services as needed. The supervisor should review the ISU Telecommuting Application in consultation with management as needed, and approve, modify, or deny the request based on the business needs of the unit.
3. If the supervisor approves of the ISU Telecommuting Application, the employee and supervisor will submit the completed the Telecommuting Application to HR who will then initiate a formal Telecommuting Work Agreement for the review and consideration of the respective management chain up to, and including the respective Vice President or their delegate.
 - i. The employee will be responsible for correcting any identified workplace safety deficiencies prior to implementing the Work Agreement.
4. The Work Agreement is ultimately subject to the approval of the respective Vice President over the unit or their delegate, and is subject to cancellation based on the business needs of the unit. Approved ISU Telecommuting Applications and Work Agreements will be kept in the employee's personnel file in the HR Office.

VI. RELATED POLICIES

A. State of Idaho Executive Branch Policy

1. Section 7 – Telecommuting <http://dhr.idaho.gov/policies.html>
- B. ISU Policies and Procedures, <https://www.isu.edu/policy/>
 1. Section X, Information Technology Services
<https://www.isu.edu/policy/information-technology-services/>

VII. RELATED FORMS

- A. ISU Human Resources Forms, <https://www.isu.edu/hr/forms/>
 - a. Telecommuting Application and Safety Checklist

PRESIDENTIAL CERTIFICATION

Kevin Satterlee
Approved by Kevin Satterlee
President, Idaho State University

Date: 07/23/2020