

3357:13-16-281 Telecommuting Guidelines

- (A) Introduction. The College recognizes that for certain positions, or under certain circumstances, telecommuting can be an effective management tool to promote increased productivity, energy conservation, preservation of the environment, disaster preparedness, and work/life balance. These guidelines are intended to assist departments and employees in interpreting and implementing the College's *Telecommuting Policy*, 3357:13-16-28.
- (B) Eligibility. Only exempt (i.e., not subject to the overtime provisions of the Fair Labor Standards Act) Managerial, Professional and Supervisory employees are eligible to be considered for telecommuting. However, in emergency situations these criteria may be temporarily relaxed when an employee's function is absolutely necessary for the department to continue critical functions, operations, and services; see Regular Telecommuting section of these guidelines.

(1) General Considerations for the Supervisor

When an employee expresses interest in telecommuting, the department should provide a copy of the Telecommuting Policy and related documents, such as the Safety Self Audit and Telecommuting Request. Additionally, departments should work through the Feasibility Assessment, which helps determine if telecommuting is appropriate by identifying and evaluating criteria relevant to the position, the employee, and the supervisor. Departments that need advice and guidance on establishing a telecommuting arrangement should consult with the Director of Human Resources.

(2) Identifying Appropriate Positions

- (a) Certain positions or responsibilities thereof do not lend themselves to telecommuting. Departments should consider the tasks and functions associated with a position before considering whether a specific employee is a good candidate for a telecommuting arrangement. Positions that lend themselves to telecommuting are generally those that require independent work that can be performed autonomously. The following is an illustrative list of tasks that may or may not be able to be successfully executed via telecommuting:

Possible

- IT system administration with tasks that can be done remotely
- Publication design work, writing, editing
- Software development
- Individual, noncollaborative work
- Administrative tasks such as writing reports, budget reconciliation, reading email
- Web design and development
- Preparing training curriculum and aids

Difficult

- Any task that requires face-face communication to internal or external clients
- Project, staff, or work group meetings and discussions
- Performance appraisal meetings
- Hardware-related services
- Any task that requires the use of onsite equipment or material
- Contract discussions or negotiations
- Close supervision of employees

- (b) If a position has a mix of tasks, the department can consider approving a telecommuting arrangement but limit it to only the tasks that can be successfully accomplished.
- (c) There are also some other items to consider in respect of the position's key duties:
 - (i) Do the key duties require ongoing access to equipment, materials, and files that can only be accessed on College property?
 - (ii) Do the key duties require extensive face-to-face contact with supervisors, other employees, clients, or the public on College property?
 - (iii) Do the key duties require extensive time in meetings or performing work on College property?
 - (iv) Do security issues require the key duties to be conducted on College property?
- (d) "Extensive" can be defined as a significant majority, for example, greater than 75 percent. If any of the answers to the above questions is affirmative, telecommuting might not be appropriate.

(3) Identifying Appropriate Employees

- (a) Factors to consider when assessing an employee's suitability for telecommuting include:
 - (i) Does the employee have effective written and verbal communication skills?
 - (ii) Can the employee work independently and without constant supervision?
 - (iii) Is the employee highly productive?
 - (iv) Does the employee have strong problem solving capabilities?
 - (v) Is the employee well organized?
 - (vi) Is the employee able to work within timelines and meet deadlines?
 - (vii) Can the employee work in an environment with little structure?
 - (viii) Is the employee overall a good performer?
 - (ix) Other relevant criteria
- (b) On balance, the collective weight of "yes" answers should outweigh "no" answers to justify telecommuting.

(4) Other Success Factors: Supervisory Traits

- (a) Engaging in a telecommuting agreement, whether as a supervisor or employee, requires certain knowledge, skills, and abilities to be effective. Supervisors should possess general characteristics that can facilitate a successful telecommuting arrangement:
- (i) Comfortable allowing employees to work autonomously
 - (ii) Effective written and verbal communication skills (as communications on telecommuting days will not be face-to-face)
 - (iii) Flexibility and willingness to explore new ideas
 - (iv) Effective listening skills
 - (v) Strong problem solving capabilities
- (b) In addition, there are some other items to consider:
- (i) How often do you monitor the employee's work performance – daily, weekly, or at other intervals?
 - (ii) Do you have a trustworthy way of measuring the amount of time the employee actually spends working?
- (c) The collective weight of these criteria should be favorable to justify telecommuting.

(C) Regular Telecommuting

In regular telecommuting the employee will have an established, predictable schedule. For example: Tuesdays and Thursdays, or every other Wednesday. Another form of regular telecommuting could be for an entire workweek(s) but only for a limited period of time. In any case, the regular telecommuting days and the duration of the telecommuting arrangement, if for a limited period of time, are identified and agreed to at the outset and are specified in the Telecommuting Agreement. They may be changed upon agreement between the employee and the department and College.

(D) Accountability

Employees are expected to be performing their work during telecommuting hours, although reasonable amounts of time for rest and/or meal breaks is permitted. Employees may conduct personal business during these rest and meal breaks. If it is found that an employee is not performing work during the telecommuting hours, the Telecommuting Agreement may be revoked and the employee may be subject to discipline.

(E) Managing Employee Performance

(1) Managing employee performance breaks down into three main categories:

- *What expectations do you have for the employee?*
- *How will you assess if the employee is meeting expectations?*

- *How will you provide feedback?*

- (a) **Expectations.** In setting expectations for employees who are telecommuting, follow the same approach you would in any other supervisory situation. Ensure that the standards are specific, measurable, accepted by you and the employee, and realistic. Review the employee's current performance standards and determine if they are relevant for the telecommuting environment. If not, modify them so they are salient to the situation. Supervisors who need assistance with developing or revising standards may contact the Director of Human Resources.
- (b) **Assessment.** Performance should be assessed against the expectations that are set forth in the Telecommuting Agreement and related work plans. Because telecommuting does not lend itself to in-person observation, supervisors should also focus on results-based assessment. One way to accomplish this is to have the employee turn in a work log documenting the work completed on days the employee is telecommuting. Another method is to set up regular discussions during which the supervisor and employee can review completed items and the status of items in progress.
- (c) **Feedback.** Regardless of how work is documented, regular feedback is vital to the success of the telecommuting arrangement. This is especially true when problems arise. Problems should be addressed and resolved quickly before they escalate to the detriment of the telecommuting arrangement.

Give feedback as you would with any employee. It should be direct and offer examples of where the employee is meeting, or failing to meet, expectations. Feedback should also give the employee an opportunity to seek clarification. In addition to feedback at regular intervals, departments should continue to carry out applicable annual performance appraisals that may fall during the telecommuting time frame.

(F) Aspects and Terms of Telecommuting

- (1) As set forth in the Telecommuting Policy, telecommuting is not intended to permit employees to have time to attend to personal business, such as performing outside employment or providing care for family members. If a department is concerned that persons in need of primary care who are present in the alternate work location will interfere with the employee's ability to perform work during the telecommuting hours, the employee may be asked to demonstrate that another individual will be present to provide the care. The department may request whatever reasonable verification it finds acceptable, such as a good faith representation by the employee, a credible representation from the care provider, or other confirmation of the care.
- (2) Telecommuting may be appropriate in a situation where an employee is incapacitated and therefore restricted in the ability to travel to and from or get around the work location, but is still otherwise able to perform his or her job functions. However, telecommuting should not be used to avoid placing the employee on a leave of absence to which he or she is entitled and has requested. Whereas a request by an employee to telecommute in a situation such as this may be carefully considered, departments should exercise caution in soliciting a telecommuting arrangement from an employee in this case. The Director of Human Resources can provide further consultation in evaluating such a situation.

(G) Work Site

- (1) An adequately appointed home or other office is the preferred alternate work location from where an employee may regularly telecommute. It is not advisable for employees to regularly telecommute from public places. Nevertheless, it is recognized that in certain situations an employee may be unable to work out of a home or other office. In those situations, employees are expected to take all necessary steps to ensure compliance with the Remote Site Security Standards.
- (2) Home visits by the department should only be sought if deemed necessary. For example, the department may want to ensure that the alternate work location is adequate for telecommuting before entering into the Telecommuting Agreement. Alternatively, during the course of the telecommuting arrangement, the department may become concerned that aspects of the work location are inhibiting successful telecommuting, such as limitations of space or resources, or the presence of others in the alternate work location. In these scenarios it is reasonable for a department to seek permission from the employee to inspect the alternate work location.

(H) Risk Management

- (1) The College does not provide insurance coverage for College-owned equipment and supplies that are provided to telecommuters. The department assumes full responsibility for the financial cost resulting from any loss or damage to such equipment and data. To that end, and to minimize the potential for loss, departments may require that telecommuting employees utilize surge protectors on all College-owned equipment. This requirement can be specified in the Telecommuting Agreement. Departments should contact the Director of Human Resources for information regarding such coverage.
- (2) Employees should consider telecommuting-related issues that may impact or be impacted by any applicable insurance on their dwelling if that is to be the site of the alternate work location. Employees who do not have any type of homeowner's or renter's insurance should evaluate whether or not such insurance (at the employee's expense) might be appropriate. Employees who have homeowner's or renter's insurance should investigate if their current coverage is appropriate for telecommuting.

(I) Security and Technology. Employees must adhere to the established standards and protocol relating to information protection and security. Please see the Remote Site Security Standards. Questions pertaining to these standards should be directed to the Director of Information Technology.

(J) Morale. In some instances, the physical absence of an employee from the regular work location may create a morale problem. This is sometimes caused by a lack of communication to other employees about the telecommuting arrangement. To avoid this problem, supervisors should notify employees in advance that a particular employee will be telecommuting, and provide contact information (including telephone numbers) so that coworkers may feel free to contact the telecommuting employee as they normally would if the employee were at the regular work location.

(K) Trial Periods. A trial period can be a valuable tool to assess the feasibility of a proposed telecommuting arrangement. In regular telecommuting situations, a trial period of 30-60 days, depending on the frequency of telecommuting, is an ample amount of time. In occasional telecommuting situations, it may be necessary for the employee to have at least one or two instances of telecommuting to sufficiently demonstrate his or her ability to successfully telecommute. The Telecommuting Agreement can be entered into on a trial basis, with the dates or number of allotted instances of the trial period noted in the agreement.

(L) Time Off. Telecommuting employees should report their inability to attend at work as they would on a non-telecommuting day. If over a reasonable period of time a pattern of usage of unscheduled absences in connection with telecommuting days becomes noticeable and the department suspects abuse, the department should address the situation with the employee. If the situation is not resolved to the department's satisfaction, the telecommuting agreement can be revoked and the employee may be subject to discipline.

(M) The Telecommuting Agreement

(1) The agreement is intended to capture all of the specifics of the telecommuting relationship. The template Telecommuting Agreement should be used, and extra pages may be added as necessary to set forth additional information. The Telecommuting Agreement will at a minimum contain and address the following:

- Eligibility requirements;
- Telecommuter's responsibilities;
- Supervisor's responsibilities;
- College-owned equipment used at alternate work location;
- Specific work hours, including break periods as well as dates and/or events necessitating the telecommuter's physical presence at College;
- Non-employee visitations;
- Designation of a specific area as the telecommuter's alternate work location;
- Maintenance of a safe work area;
- Whether and when the telecommuter is permitted to leave the alternate work location for College business;
- Term/duration of the agreement;
- How telecommuter and supervisor will communicate;
- Reporting use of leave;
- How the telecommuter's performance is to be evaluated; and
- Commuting between the telecommuter's alternate work location and the College will not be compensable.

(2) The Telecommuting Agreement should be kept on file locally within the department and the Office of Human Resources. If any amendments to the agreement are agreed to between the employee and the department and College, those amendments should be set forth in writing and kept on file with the Telecommuting Agreement.

(3) Terminating the Telecommuting Agreement

(a) The Telecommuting Agreement can be terminated by either the department or the employee or the College.

(i) Terminating the Agreement by the Department. A department may determine that it is no longer in the best interest of the College to continue the telecommuting arrangement. For example, a department might deem that an employee's tasks are no longer suitable for telecommuting; find that work product, productivity, or accountability standards are not being met; or a short-term need or other premise that gave rise to the telecommuting arrangement may no longer exist. When a department determines to terminate the

Telecommuting Agreement it should provide thirty days' notice unless extenuating circumstances make such notice impracticable

- (ii) Terminating the Agreement by the Employee. An employee may also seek to end the telecommuting arrangement by notifying the department that he or she wishes to discontinue telecommuting. The employee should give as much notice as is reasonably necessary, preferably a minimum of 30 days, to facilitate regular reporting to the work location. For example, if the telecommuting employee and another employee have a shared workspace that each of them uses on non-telecommuting days, the department may need time to locate another workspace for the other employee. Generally, notice of intent to discontinue telecommuting should be accepted by the department. In situations such as emergencies that precipitate the telecommuting arrangement, where the department needs the employee to continue telecommuting, the department should first speak to the employee to try to reconcile the employee's interests with that of the department. It is generally not advisable for a department to force an employee to continue telecommuting.

(N) Liability

- (1) The College assumes no liability for injuries occurring in the employee's alternate work location outside of work hours.
- (2) The College accepts no responsibility whatsoever for the safety, security or suitability of any alternative work site. The College also accepts no responsibility for the personal property of any employee.
- (3) The College will not be liable for any tax implications for employees telecommuting across state lines. Employees should check both of the relevant states' tax laws.

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