



Nicholls State University

# Policy on Telecommuting

## I. Purpose

The purpose of this policy is to allow employees to work at alternate locations for all or part of their workweek. Telecommuting can improve productivity and job performance, as well as promote administrative efficiencies (e.g. reducing office space), reduce traffic congestion and transportation cost, support continuity of business operations, and sustain the recruitment and retention of a highly qualified workforce by enhancing work/life balance.

## II. Scope

This policy applies to all employees of Nicholls State University, as defined herein. It applies to all full-time and part-time eligible employees of the University, and to faculty to the extent provided.

## III. Definitions

For the purpose of this policy:

“Alternate work locations” shall mean any approved locations, other than the employee’s primary workplace, where official University business is performed. The most common alternate work location is the home of an employee, subject to the approval described in this Policy.

“Primary workplace” shall mean Nicholls State University assigned place of work where employees normally are located. Most commonly this is on the main campus, located at 906 East 1<sup>st</sup> Street, Thibodaux, La 70301.

“Telecommuting” shall mean any approved alternative work arrangement where an employee enters into a formal agreement with the University to perform his/her usual job duties in an alternate work location at least one day per week.

#### **IV. Authority**

Department heads have the authority to engage with employees regarding telecommuting arrangements, and are encouraged to give serious consideration to all reasonable requests. However, only the President of the University, or designee, has the authority to approve a telecommuting agreement. It is important to note that agreements would be authorized only when it is in the best interest of the University to do so, and all other alternative scheduling options (ex. Flexible Scheduling) have been exhausted. The University reserves the right to revoke a telecommuting agreement at any time.

#### **V. Policy**

Telecommuting is a work alternative that is appropriate for some employees and some jobs, but not all employees and all positions. No University employee is entitled to or guaranteed the opportunity to telecommute. Certain categories of positions are ineligible for telecommuting. For a position eligible for telecommuting (see Section A below), whether a particular employee may telecommute is a decision made on a case-by-case basis taking into consideration an evaluation of the likelihood of the employee succeeding in a telecommuting arrangement and the evaluation of the supervisor's ability to manage remote workers. Telecommuting agreements most commonly are for partial telecommuting, for example telecommuting one day per week.

Nicholls State University reserves the right to enforce telecommuting work arrangements based upon the needs of the University, as well as the need to foster a safe environment for its employees.

Telecommuting may also be considered on a case by case basis as a reasonable accommodation as provided for qualified employees with disabilities.

Employees who are approved for telecommuting will be required to sign an agreement with the University consistent with this Policy.

All telecommuting employees must perform the same work that they would in the primary workplace in accordance with their same performance expectations and other agreed-upon terms. A telecommuting agreement may be established for a long-term or short-term period.

An employee's classification, compensation, and benefits will not change if the employee is approved for telecommuting.

The University may at any time establish telecommuting as a condition of employment, based on the University's business needs. In such cases of vacant positions, this requirement should be included when the position is advertised and in correspondence offering employment.

#### **A. Eligible Positions and Employees**

Supervisors, in consultation with the Office of Human Resources, will analyze the nature of a position and how the work is performed and determine which positions are appropriate to designate or approve for telecommuting. Several factors should be considered in determining the feasibility of telecommuting, including the University's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home. Other critical considerations include whether:

- There is a need for face-to-face interaction and coordination of work with other employees within the department;
- In-person interaction with colleagues outside of the department or students in the workplace;
- The alternate work location is in close proximity to the primary workplace;
- The telecommuting arrangement will impact service quality or University operations, or the increase workload of other employees;
- The position can be structured to be performed independently of others with minimal need for support and little face-to-face interaction; and
- Performance can be measured by quantitative and qualitative results-oriented standards, not time spent doing the job.

Typically, a position being designated as telecommuting-eligible indicates that partial rather than full-time telecommuting is feasible. The Office of Human Resources, in consultation with the departments, will also identify broad categories of positions that are not eligible for telecommuting, including but not limited to direct service and place-specific positions.

If an employee in an eligible position requests approval for telecommuting, the supervisors in consultation with the appropriate Vice President and the Office of

Human Resources will determine whether an employee is eligible. Final authority to approve requests rest with the President of the University. Generally, the following conditions must be met to approve an employee for telecommuting:

- The employee has been in the position for at least twelve months;
- The employee has no active formal disciplinary actions on file;
- The employee has not received a “Need Improvement,” “Not Satisfactory,” or any equivalent on their current or most recent performance review;
- The employee has a demonstrated ability to work productively on his/her own and is self-motivated and flexible.

Supervisors must ensure that telecommuting recommendations are made for appropriate, non-discriminatory reasons.

## **B. General Expectation and Conditions**

- 1. Compliance with Policies** - Employees must agree to comply with University policies, procedures, and instructions and understand that violations of such may result in termination of the telecommuting arrangement and/or disciplinary actions, up to and including dismissal.
- 2. Hours of Work** - The total number of hours that employees with a telecommuting agreement are expected to work will not change, regardless of the work location. The University also expects the same level of productivity from telecommuting employees that is expected from employees at the primary workplace. Telecommuting agreements are not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during the employee’s work hours, another person must be present to provide the care. Exceptions to this provision are allowed pursuant to Section V.C.1 provided herein below. Supervisors may require employees to report to the primary workplace as needed for work-related meetings or other events or may meet with the employee in the alternate work location as needed to discuss work progress or other work related issues.
- 3. Use of Leave** - Employees cannot use telecommuting in place of sick leave, annual leave, Family & Medical Leave, Worker’s Compensation leave, or other types of leave. However, the University may determine whether or not it is appropriate to offer telecommuting as an opportunity for partial or full return to work based upon the University’s return-to-work policies following

an injury or illness and the criteria normally applied to decision regarding the approval of telecommuting.

4. **Liability** – The University assumes no responsibility for injuries occurring in the employee’s alternate work location outside the agreed upon work hours, or for injuries that occur during the working hours but do not arise out of and/or in the course of employment. The University also assumes no liability for damages to employee’s real or personal property resulting from participation in the telecommuting program. Worker’s compensation coverage is limited to the designated work area in employee’s home or alternate work location, as identified in the signed agreement. Employees agree to exercise the same safety practices they would use within the primary workplace and to maintain safe conditions in their alternate work location. Employees must follow normal procedures for reporting illness or injury.
5. **Equipment and Materials** – Normally, the University will provide equipment and materials needed by employees to effectively perform their duties; however the University will not duplicate resources between the primary workplace and the alternate work location. Telecommuting employees may use, where appropriate, University-owned equipment for legitimate University purposes. Telecommuting employees are responsible for protecting University-owned equipment from theft, damage, and unauthorized use. The University will maintain, service, and repair University-owned equipment used in the normal course of employment. The telecommuting agreement may also permit employees to use their own equipment, provided the use of such equipment has been approved by the Chief Information Officer, or designee. When an employee is authorized to use their own equipment, the University is not responsible for the cost, repair, or service of the employee’s personal equipment.
6. **Cost of Telecommuting** – The University is not obligated to assume responsibility for operation cost, home maintenance, or other cost incurred by employees in the use of their homes as telecommuting alternate work locations.
7. **University Information** – Employees must safeguard University information used or accesses while telecommuting, in accordance with all applicable information technology policies of Nicholls State University.

### C. Telecommuting Agreement

Telecommuting must be documented as approved through the telecommuting agreement. The telecommuting agreement establishes the specific conditions that apply to employees working in alternate locations. The telecommuting agreement must be supported by the supervisor, unit head, and respective Vice President. The final authority to approve a telecommuting agreement rests with the President, or designee. A telecommuting agreement shall be for a specific period of time, and agreements will not be approved for any period longer than a year (academic or fiscal, as appropriate for a position). Renewal of a telecommuting agreement is not a guarantee, and there should be no expectation that an agreement will be renewed. Additionally, any telecommuting agreement can be revoked at any time, and without cause.

1. **Exceptions to the Telecommuting Agreement Requirement** - it is an accepted practice for teaching and research faculty to carry out their work with varied schedules on campus and at alternate locations. Normally, a formal telecommuting agreement will not be required for faculty unless the normal work assignment is consistently at an alternative location (i.e. not the standard assigned office). On occasions, a department may also determine that employees may need to work at alternate worksites for a short period of time to accommodate unusual circumstances, such a brief office closing for renovation or relocation. In such cases, the formal telecommuting agreement is not required, but should be documented for department files by memorandum or email, specifying work expectations and duration.
2. **Modification to work schedules permitted under Telecommuting Agreements** - During periods of public emergency status or exigency, the President of the University, or the applicable Vice President of supervision, may allow employees to perform assigned duties using modified work schedules to care for children, custodial parents, and/or other individuals that the employees provides primary care to.
3. **Modification or termination of the Telecommuting Agreement** - The supervisor, in consultation with the respective Vice President, may modify or terminate the telecommuting agreement early (before the end of the specified term) for performance concerns, changing operational needs, or any other non-discriminatory reason. The employee may also terminate the telecommuting agreement at any time, unless it was a condition of employment.

## **VI. Enforcement; Complaints, Grievances, or Appeals**

An employee who disagrees with a denial of a request to telecommute or any other action relating to this policy is encouraged to discuss the concern with his or her supervisor. If the discussion with the supervisor does not resolve the issue, an employee may request an informal review of the telecommute decision by the Office of Human Resources. The President of the University, or designee, retains jurisdiction over all telecommuting agreements.

## **VII. Authority and Amendment; Implementation**

**A. Authority and Amendment** - This policy is approved by the President, and is subject to all applicable federal and state policies, as well as applicable policies and procedures of the University of Louisiana System. The President has delegated to the AVP for Human Resources the authority to make minor changes or technical revisions or amendments to this policy.

### **B. Implementation**

- i. Determination of Position Eligibility** - Supervisors should begin identifying positions as eligible or ineligible for telecommuting upon publication of this policy, ensuring consultation with the Offices of Human Resources and Information Technology.
- ii. Pre-existing Telecommuting Arrangements** - Employees and supervisors are responsible for familiarizing themselves with this policy and all edits and/or amendments. Any employee currently telecommuting through informal approvals prior to implementation, or at the time of any edit or amendment are subject to the current policy, as implemented/amended.

## **VIII. Related Policies, Procedures and Documents**