



Nicholls State University

# Telework Policy

**Effective: 09/19/2023**

## **I. Purpose**

The purpose of this policy is to allow employees to work at alternate locations for all or part of their workweek. Telework 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 approved positions of Nicholls State University, as defined herein. It applies to approved full-time and part-time eligible positions of the university. These positions can be classified, unclassified, and faculty. This policy also covers the criteria for employee eligibility.

## **III. Definitions**

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 will be the employee's home.

Primary workplace - the employee's usual and customary worksite. For the purpose of this policy, 906 East 1<sup>st</sup> Street, Thibodaux, LA 70301, is the employee's primary worksite, unless specifically addressed elsewhere in the employee's terms of employment.

Telework - a work flexibility arrangement under which an employee performs the duties and responsibilities of their position from an approved alternative worksite. Unless otherwise specified, telework herein refers to both telework-formal and telework-situational.

Telework-Formal - telework which occurs as part of an approved on-going, regular schedule or within established limits. (e.g., full time or a set number of days per week).

Telework-Situational - telework which is approved on a case-by-case basis, where hours worked are not part of a previously approved, on-going and regular telework schedule. (e.g., telework approved as a result of inclement weather, declared emergency, reasonable accommodations, office closures, personal situational cases, etc.).

Telework Agreement – an agreement between the university and employee that grants approval for that employee to telework at an alternate location. The agreement also specifies the work to be performed, associated schedule, and specific location.

#### **IV. Authority**

Department heads have the authority to engage with employees regarding telework arrangements, and are encouraged to give serious consideration to all reasonable requests. Formal telework agreements will have final approval by the President of the University, or designee. Final approvals to situational agreements will be granted at the Vice President level in the requestor's respective approval chain. Should there be a need for appeal, the department chain of command will be followed up to the President for appeal determination. The university reserves the right to revoke a telework agreement at any time. Applicable state rules: Part Two, Chapter III, Section IV of the bylaws and rules of the University of Louisiana System; State Civil Service Rules 11.4.1.

#### **V. Policy**

No university employee is entitled or guaranteed the opportunity to telework. The university reserves the right to offer telework to approved positions based on the business-related and operational needs. This privilege can be modified or rescinded at any time by the university. Nicholls State University reserves the right to enforce telework arrangements based upon the needs of the university, as well as the needs to foster a safe environment for its employees.

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

Employees who are approved for telework will be required to sign a Telework Agreement with the university. This agreement will be reviewed at a minimum annually for changes or updates.

All telework 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 telework agreement may be established for a long-term, short-term, or as needed period. Any employee in a telework agreement will be subject to Nicholls State policies and procedures.

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

The university may at any time establish telework 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**

- 1) Supervisors, in consultation with the Office of Human Resources and respective Vice President, will analyze the nature of a position and how the work is performed to determine which positions are appropriate to designate or approve for telework. Telework Position Considerations:
  - i) Nature of the work performed;
  - ii) Efficiency of work processes;
  - iii) Impact on ability to provide quality customer service;
  - iv) Effectiveness of existing project teams; and
  - v) Impact on agency budget and fiscal resources
- 2) Positions that are not suited to telework are those that:
  - i) Require routine access to information, materials, or equipment that are available only at the regularly assigned place of employment; and/or
  - ii) Require on-campus roles and responsibilities that cannot be conducted at an alternate worksite.

The Office of Human Resources, in consultation with the departments, will identify broad categories of positions that are not eligible for telework, including but not limited to some direct service and place-specific positions.

If an employee in an eligible position requests approval for a formal telework agreement, 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 rests with the President of the University or designee. Generally, the following conditions must be met to approve an employee for telework:

- i) The employee has been in the position for at least twelve months;
- ii) The employee has no active formal disciplinary actions on file;
- iii) The employee has not received an overall score of "Needs Improvement," "Not Satisfactory," or any equivalent on their current or most recent performance review;
- iv) The employee has a demonstrated ability to function independently; and
- v) The employee has the ability to provide technological resources as outlined in the university's telework agreement.

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

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

- 1) **Compliance with Policies** – Employees must agree to comply with all university policies, procedures, and instructions. Violations of such may result in rescinding the telework arrangement and/or disciplinary action, up to and including termination.
- 2) **Hours of Work** – A telework agreement does not necessarily alter the employee's work schedule. The specific work schedule of a participating employee shall be agreed upon by the supervisor and employee. A description of this schedule will be outlined in the telework agreement. Supervisors may require employees to report to the primary workplace as needed for work-related meetings, events that require their presence, or other needs.
- 3) **Use of Leave** – Employees cannot use telework in place of sick leave, annual leave, Family & Medical Leave, Workers' Compensation, or other types of leave to perform personal business during work hours. However, the university may determine whether or not it is appropriate to offer telework as an opportunity for partial or full return to work based upon the university's return-to-work policies following an injury or illness.
- 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 personal property resulting from participation in the telework program. Worker's compensation coverage is limited to the designated work area in the employee's 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 the 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. Telework employees may use, where appropriate, university-owned equipment for legitimate university purposes. Telework 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 employee will be required to bring any equipment for repair to the primary work location. The telework 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. Any employee taking Nicholls owned equipment off campus is required to complete an Employee Request for Off Campus Property Use form that can be found in Etrieve.

- 6) **Cost of Telework** – 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 telework alternate work locations.
- 7) **University Information** – Employees are required to adhere to all information technology policies while using state-owned equipment. It is the responsibility of the employee while teleworking to protect the privacy of all university information.

### **Telework Agreement**

Telework must be documented as approved through the telework agreement. The telework agreement establishes the specific conditions that apply to employees working in alternate locations. The telework agreement must be supported by the supervisor, unit head, or Dean when appropriate. The final authority for situational agreements rests with the respective employee's Vice President. All formal agreements will be sent to the President, or designee for final approval. A telework agreement shall be for a specific period of time, and agreements will not be approved for any period longer than one year (academic or fiscal, as appropriate for a position). Renewal of a telework agreement is not a guarantee, and there should be no expectation that an agreement will be renewed. The agreement must contain the location of the approved alternative worksite. Additionally, any telework agreement can be revoked at any time, and without cause.

- 1) **Exceptions to the Telework 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 telework agreement will not be required for faculty unless the normal work assignment is consistently an alternative location (i.e. not the standard assigned office). On occasion, 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 as a brief office closing for renovation or relocation. In such cases, the formal telework 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 Telework 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 employee provides primary care to.

- 3) **Modification or termination of the Telework Agreement** – The supervisor, in consultation with the respective Vice President, may modify or terminate the telework agreement early (before the end of the specified term) for performance concerns, changing operational needs, or any other non-discriminatory reasons. The employee may also terminate the telework agreement at any time, unless it was a condition of employment.

## **VI. Required Telework Training**

Training Courses can be found in CANVAS. This must be completed prior to the first day of telework.

- CPTP SCS Teleworking for Employees WBT
- CPTP SCS Managing Teleworkers WBT

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

An employee who disagrees with a denial of the request to telework or any other action related to this policy is encouraged to discuss the concerns 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 telework decision by the respective Vice President. The President of the university retains jurisdiction over all telework agreements.

## **VIII. Official Office Closures**

Depending on the therein (i.e. weather, road conditions, etc.), an office closure may be declared to a specific building, city/town, parish, or the entire State. The official domicile for an employee that teleworks is the city/town or parish where the employee's alternative worksite is located for the days the employee is to perform work at that location. An employee may only have (1) domicile on any given workday. Thus, if an office closure is declared on a scheduled telework day, the teleworker is:

- 1) Not eligible for special office closure leave and must continue working from the alternate worksite when:
  - i) The office closure is specific to the primary worksite building;
  - ii) The office closure is specific to a city/town or parish that is different from the city/town or parish in which the employee is teleworking

Under these conditions, the telework employee will not be eligible for closure pay or earn compensatory time for actual time worked as the declared closure does not relate to the employee's alternative work site.
- 2) Eligible for office closure leave when:

- i) The office closure is specific to a city/town or parish that is the same as the city/town or parish in which the employee is teleworking.

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

- 1) **Authority and Amendment** – The 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 Director of Human Resources the authority to make minor changes or technical revisions or amendments to this policy.
- 2) **Implementation**
  - i) **Determination of Position Eligibility** – Supervisors should begin identifying positions as eligible or ineligible for teleworking upon publication of this policy, ensuring consultation with the Offices of Human Resources and Information Technology; and
  - ii) **Pre-existing Telework Arrangements** – Employees and supervisors are responsible for familiarizing themselves with this policy and all edits and/or amendments. Any employee currently teleworking through informal approvals prior to implementation, or at the time of any edits or amendments are subject to the current policy, as implemented/amended.



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Jay Clune, PhD  
President