

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **Winthrop University Telecommuting Policy**

### **Purpose**

Winthrop University's Telecommuting Policy provides for a telecommuting program and the rules and guidelines under which it will operate. The policy is designed to assist supervisors and employees understand the telecommuting environment and provide a general framework for telecommuters. It does not attempt to address the special conditions and needs of all employees.

### **Policy**

#### **General**

- Telecommuting is a management tool/option and not a universal employee right or benefit of any kind. Telecommuting will not be suitable for all employees, may not be suitable for extended circumstances or at all times, and/or all positions. It is Winthrop's option, in its sole discretion, to allow or not allow an employee to telecommute and a decision to allow telecommuting will coincide with the guidelines and rules associated with the Telecommuting Policy. Winthrop's approval of an employee's request to telecommute can be denied or revoked at any time for any reason or no reason, in Winthrop's sole discretion and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Grievance Procedure Act. Supervisors are required to ensure that appropriate sufficient coverage and services are maintained during Winthrop's regular operating schedule, 8:30 a.m. – 5:00 p.m., Monday through Friday, or as may be required otherwise.
- An employee's job duties may not be reassigned to other employees, students, or temporary employees in order to allow an employee to telecommute.
- An employee's participation in telecommuting is generally voluntary. Winthrop however, may designate a position as telecommuting only. In this case, telecommuting would not be voluntary.

#### **Policy Applicability and Eligibility**

- Winthrop's telecommuting policy applies to all staff and administrator employees who occupy FTE, Grant FTE, and Time-Limited FTE at Winthrop University.
- To be eligible to participate in Winthrop's telecommuting program, an employee must have completed one year of satisfactory employment with Winthrop University. At his discretion, the president may waive this requirement for any reason deemed appropriate by the president.
- Employees must be in good standing regarding work performance and conduct to be eligible for telecommuting. Employees who have been issued a warning notice of substandard performance will not be eligible for telecommuting until the employee receives a satisfactory score or better on the next regularly scheduled performance review. Additionally, a supervisor may deem an employee ineligible for telecommuting based on performance concerns at any time even when a

warning notice of substandard performance has not been issued. At his discretion, the president may waive this requirement for any reason deemed appropriate by the president.

- Generally, temporary employees are not eligible for telecommuting. Express written consent from the president and Human Resources is required prior to allowing a temporary employee to telecommute.
- Employees working under Winthrop-sponsored H1B Visa status are not eligible for telecommuting under any circumstances.
- The president, or his/her designee, has the authority to determine when special circumstances relating the eligibility for telecommuting may be present and either allow or disallow an employee to participate. The president, or his/her designee, may determine when special circumstances are present to exclude certain Grant FTE or Time-Limited FTE employees from the Telecommuting Policy.
- Telecommuting from another state is prohibited with the following exception: employees who live in the greater Charlotte area, and commute to Winthrop's campus for work, may be considered for telecommuting.

### **Requirements to Establish Telecommuting**

Prior to implementing telecommuting for any employee to whom this policy applies, the president, or his/her designee, must approve the request to telecommute according to current processes and procedures as defined by the Office of Human Resources, Employee Diversity, and Wellness. Any employee approved to telecommute will be required to review and acknowledge understanding of the processes, procedures, and employee responsibilities and requirements related to telecommuting. Supervisors of telecommuters will likewise be required to review and acknowledge understanding of the processes, procedures, and supervisor responsibilities and requirements related to supervising a telecommuter.

Under no circumstances may a supervisor approve telecommuting for any employee to whom this policy applies without following the required processes and procedures to obtain approval of the president, or his/her designee.

### **Emergency or Temporary Telecommuting Approval**

From time to time emergency or temporary situations arise for which approval of remote work may be allowed. Adherence to requirements for approving non emergency/temporary telecommuting shall not be required for the types of emergency or temporary telecommuting described below. The "conditions of employment" located elsewhere in this policy apply to emergency or temporary telecommuting and employees whose positions are not conducive to remote work will not be eligible for emergency or temporary telecommuting. Requests for emergency or temporary telecommuting may be denied or discontinued for any reason or no reason. All approved emergency or temporary telecommuting work must be performed during the employee's regular work hours. The employee must report the appropriate leave, or leave without pay when leave is not available, when not working.

- Periodic, intermittent telecommuting or remote work arrangements may arise, for example, when an employee is assigned a project with a short timeframe or one that requires intense concentration that is best completed outside the primary onsite workplace. This type of telecommuting must be requested and approved by the supervisor. It is the responsibility of the supervisor to notify the divisional vice president (or Athletic Director or Provost as appropriate) of all employees who have been approved for this type of short-term leave. Periodic or intermittent telecommuting may not exceed five work days within a six-month time period. Telecommuting that extends beyond five

work days within a six-month time period for an employee will require an approved formal agreement.

- Temporary or emergency telecommuting or remote work may be used during short-term circumstances such as a transportation emergency due to weather, a natural disaster, an emergency closure of the Winthrop University campus, temporary environmental concerns on campus or in a building or work area, or a pandemic health crisis. During these types of situations a temporary telecommuting agreement may be required generally if the temporary or emergency situation will persist for longer than five consecutive work days. However, when an emergency closure of the campus occurs, temporary telecommuting agreements will not be required. A temporary telecommuting agreement and related guidelines may be requested by emailing [HRHelp@winthrop.edu](mailto:HRHelp@winthrop.edu).
- Work from home while on intermittent FMLA medical leave, or other medical leave due to the employee's own health condition may be requested by an employee in writing to the Office of Human Resources, Employee Diversity, and Wellness. When the employee is on medical leave related to his/her own health condition and/or a physician has written the employee out of work at any point, medical certification that explicitly states the employee is allowed to work intermittently during the approved FMLA dates will be required prior to approving any type of work. An employee on approved FMLA leave shall not be pressured in any way by a supervisor to work while on approved FMLA leave.
- Work from home while on approved FMLA leave to care for a dependent may be approved when appropriate. An employee on approved FMLA dependent care leave shall not be pressured in any way by a supervisor to work while on approved FMLA leave. However, employees may request to work during pre-approved and agreed upon times (agreed upon by the supervisor and the employee). Remote work related to approved FMLA leave of a dependent will be approved for no longer than the FMLA approved dates and only when the employee is able to perform work in a professional manner free from distraction. Under no circumstances shall telecommuting be approved as an ongoing substitute for childcare or dependent adult care.
- Work from home when an employee is on short-term leave (non-FMLA leave) related to a temporary, short-term illness of their own, of a child, or of a family member, the employee may be allowed to perform remote work on a case-by-case basis. **NOTE: A serious illness or injury of an employee or a covered family member MUST be reported to HR immediately.** Remote work related to a temporary illness (cold, flu, etc.) may be approved for no more than five consecutive work days and only when the employee is able to perform work in a professional manner free from distraction. Supervisors may not pressure an employee to work from home when they are ill. Employees will be required to take accrued leave during the time spent physically caring for an ill child or family member. Under no circumstances shall telecommuting be approved as an ongoing substitute for childcare or dependent adult care.

#### **Conditions of Employment**

- The employee's duties, responsibilities, and conditions of employment remain the same as if the employee was working at their primary work location on campus. The employee will continue to comply with federal and state laws and regulations, as well as Winthrop policies and procedures,

while working at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.

- Generally, an approved telecommuting schedule will include a hybrid schedule consisting of combined remote work and on-campus work. Employees should work from their on-campus work location a minimum of two or more days each week.
- Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, overtime, and travel entitlement as if all duties were being performed at the employee's primary workplace.
- Work hours, overtime compensation and compensatory time (for non-exempt employees), and leave benefits will not change as a result of telecommuting. Requests to work overtime or use sick, annual, or other leave must be approved by the supervisor in the same manner as when the employee is working at the employee's primary work location. **A non-exempt employee shall not work overtime unless authorized in advance by the supervisor.**
- The employee agrees to designate a separate workspace in the alternate work site for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and any Winthrop equipment. To ensure the safety of the workspace, the Telecommuting Application requires the employee to certify that the alternate work location complies with health and safety requirements. The employee agrees that Winthrop shall have reasonable access to the alternate work location for the purposes of inspection of the site and retrieval of Winthrop-owned property. The employee will notify Winthrop of any changes to their alternate workplace prior to the move occurring. **The alternate work location should be in South Carolina (or in the greater Charlotte, North Carolina area). Telecommuting from other states or from locations outside of the United States is prohibited.**
- Telecommuters are expected to be working and focused on the performance of their job duties during all work hours. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. The employee must acknowledge that he/she understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for an ill household member or other person.
- Working hours cannot coincide or overlap with any other type of employment.
- Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

- The alternate workplace is considered an extension of the employee's usual work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined workplace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately.
- Winthrop requires all telecommuting work to occur on a Winthrop-issued laptop. Employing departments are responsible for costs associated with Winthrop-issued equipment. Employees must have been issued a Winthrop-owned laptop PRIOR to submitting the Telecommuting Application and Agreement form.
- Winthrop will cover the cost of normal wear and tear repair or maintenance of Winthrop-owned equipment; however, Winthrop will not cover the cost of repair or maintenance of the employee's personal equipment. Information stored on an employee's personal equipment used to conduct Winthrop business could be subject to disclosure by subpoena or under the South Carolina Freedom of Information Act.
- Winthrop's security controls and conditions for use of Winthrop-owned equipment at the primary workplace will also apply to alternate work locations. All official agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the official work location. The employee will return all Winthrop equipment, files, and documents to Winthrop immediately upon termination of telecommuting or of the employee's employment. Telecommuters must be aware that Winthrop policies related to data security, privacy, usage, and acceptable use of network services, mobile devices, etc. apply when telecommuting and telecommuters should have no expectation of privacy when using Winthrop-owned equipment, or when conducting Winthrop business using personal devices, including cell phones.
- No employee engaged in telecommuting will be allowed to conduct face-to-face, Winthrop related business at his or her home/remote office. An employee must acknowledge that he/she understands he/she she will be liable for injuries or damages to the person or property of third parties, or members of the employee's family, in the alternate workplace.
- In the event Winthrop's campus is closed due to hazardous weather or for any other reason, an employee who has been approved for telecommuting will be required to work by telecommuting even if they were scheduled to work on campus during the time the office is closed.

#### **Characteristics of Appropriate Telecommuting Positions**

- The position responsibilities are arranged so that there is no difference in the level of service provided to the customer regardless of work location.
- The position has minimal requirements for direct supervision or customer contact.
- The position requires minimal face-to-face communication.
- Communication can be managed primarily through telephone, email, virtual meetings, etc.
- The position has minimal requirements for special equipment.

- The position has job tasks and work products with measurable work activities and objectives.
- The position allows for control over and scheduling of workflow.
- The position does not require materials that are accessible only from the office.
- There are safeguards to ensure confidential information is protected as required by state and federal law, and applicable agency policies.

### **Characteristics of Successful Telecommuting Employees**

- The employee can develop regular routines and is able to set and meet deadlines.
- The employee is self-motivated, self-disciplined and able to work independently.
- The employee is capable of completing projects on time with minimal supervision and feedback.
- The employee is capable of being productive when no one is checking in or watching the employee at work.
- The employee has strong organizational and time-management skills.
- The employee is results-oriented.
- The employee will remain focused on work while telecommuting and not be distracted by television, housework, visiting neighbors, etc.
- The employee will manage their time and workload well, solve many of their own problems and find satisfaction in completing tasks on their own.
- The employee is comfortable setting priorities and deadlines.
- The employee focuses on results.
- The employee is comfortable working alone and can adjust to the relative isolation of working at home.
- The employee can set a comfortable and productive pace while working at home.
- The employee has a good understanding of Winthrop's culture and environment.
- The employee is knowledgeable about Winthrop's procedures and policies and has been on the job long enough to know how to do their job in accordance with those policies.
- The employee has effective working relationships with co-workers and will be able to maintain communications with their co-workers while telecommuting.
- The employee is adaptable to changing routines and environments and has demonstrated an ability to be flexible about work.
- The employee is an effective communicator, has demonstrated effective communication between supervisors and co-workers, and is comfortable using various methods of communication.
- The employee has a documented history of good performance.
- The employee has a safe and comfortable workspace where it is easy to concentrate on work.
- The alternate workplace has the appropriate level of security required by Winthrop.
- The employee has the necessary office equipment and software to meet Winthrop's standards.
- While employees are required to use Winthrop-owned laptops, other work-related equipment and software may be provided by Winthrop or the employee.
- The employee has a telephone, with separate home office line if required, voicemail, and sufficient internet speed to perform the functions of the job (where applicable).

- The employee has household members who will understand they are working and will not disturb their work. The employee understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace.

Telecommuting is not a good option for all employees and the decision to allow an employee to telecommute should be based on a careful review of the position and the employee. The decision to allow some employees to telecommute and not allow other employees to telecommute is within Winthrop's discretion. The decision not to allow a particular employee to telecommute, should be based on documented, observed, behaviors or requirements.

If there is concern about the ability of an employee to successfully perform their job while telecommuting, the request to telecommute can be approved on a trial basis. In this situation, the employee should be advised that the approval is being provided on a trial basis and will be evaluated after a period of time, for example after three months, to determine if the employee will be allowed to continue telecommuting.

#### **Pay, Work Hours, Leave, and Overtime**

The employee's pay, leave, overtime/compensatory time, benefits, and travel entitlements remain the same as if the employee were working at the primary onsite workplace. Telecommuting will not adversely affect an employee's eligibility for advancement.

Work hours and location are specified as part of the agreement. The employee must be accessible during the specified work hours. Requests to work overtime (for non-exempt employees) must be approved by the supervisor in advance of the work performed. Winthrop and the employee must agree that, at Winthrop's discretion, the employee may perform assigned work for Winthrop at the location other than the regular onsite workplace as a "telecommuter." Failure to observe assigned work hours or be accessible as noted in the agreement may result in disciplinary action and immediate revocation of the agreement.

Supervisors may require a telecommuter to report to the office location at any time regardless of the telecommuting arrangement.

The employee will be subject to appropriate leave policies while working at the remote or alternate location. Requests to use sick, annual, or any other type of leave must be approved by the supervisor in the same manner as when working at the primary onsite workplace.

#### **Office and Telecommuting Location**

The employee agrees to work at the primary onsite workplace or the remote or alternate workplace, and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement, and other appropriate disciplinary action. Winthrop agrees to establish agreed upon expectations relative to the time the employee would need to spend in the primary onsite workplace and to give adequate notice when these expectations are subject to change. However, the employee may be required to report to the primary onsite workplace without advanced notice, upon request by Winthrop.

## **Workplace Safety**

The employee agrees to designate a separate workspace in the remote or alternate workplace for the purposes of telecommuting, and will maintain this area in a safe condition, free from hazards and other dangers to the employee and Winthrop's equipment. To ensure the safety of the workspace, the **Telecommuting Application** includes a safety checklist and the employee must certify that the remote or alternate workplace complies with health and safety requirements. The employee agrees Winthrop shall have reasonable access to the remote or alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that he/she will be liable for injuries or damages to the person or property of third parties or any members of the employee's family in the remote or alternate workplace if it is in the employee's home. The employee agrees to consult with Winthrop before moving any heavy equipment or furniture in the remote or alternate workplace.

**Generally, the alternate work location should be in South Carolina or the greater Charlotte, NC area. Telecommuting other states or from locations outside of the United States is prohibited.**

## **Equipment and its Maintenance**

Winthrop requires all telecommuting computer work to occur on a Winthrop-issued laptop. Winthrop may provide all or part of the equipment necessary for accomplishing work assignments. However, employees may be authorized to use their own equipment (computer monitors, surge protectors, etc.)

- **Winthrop-Owned Equipment**

Winthrop equipment may be used only for legitimate purposes by authorized employees. Any Winthrop equipment issued to an employee and used in telecommuting must be recorded in the telecommuting agreement.

Winthrop equipment used in the normal course of employment will be maintained, serviced, and repaired by Winthrop's IT department. If equipment cannot be repaired remotely, the employee will be responsible for delivering the equipment to IT for repair. The employee must protect equipment provided by Winthrop against damage and unauthorized use.

- **Employee-Owned Equipment**

When employees are authorized to use their own equipment, Winthrop will not assume responsibility for the cost of repair, maintenance, service, or replacement.

Winthrop and the employee must agree upon the equipment to be used in telecommuting. Equipment provided by the employee will be at no cost to Winthrop and will be maintained by the employee. The employee agrees that Winthrop shall have reasonable access to the remote or alternate workplace for business-related purposes such as inspection of the space and retrieval of Winthrop property. The employee also agrees that any personal equipment used to conduct Winthrop business could be subject to disclosure by subpoena or under the South Carolina Freedom of Information Act.

## **Operating Costs**

Winthrop will not be responsible for operating costs, home maintenance, or any other incidental costs, including but not limited to, utilities, phone, or internet costs, associated with the use of the employee's residence.



### **Computer, Network, and Data Security**

Winthrop's security controls and conditions for use of Winthrop-owned equipment for the primary onsite workplace will also apply to the remote or alternate workplace. All Winthrop records, files, documents, data, and confidential and protected information must be protected from unauthorized disclosure or damage and returned safely to the primary onsite workplace as appropriate, and immediately upon termination of telecommuting or of the employee's employment. The employee agrees to become familiar with and abide by any and all Winthrop policies, processes, procedures, and rules associated with the use of computer equipment and data security (which may include protecting employee-owned equipment against viruses and unsafe computing practices), and understands that these policies, processes, procedures, and rules may change at any time. Telecommuters may not use personal email accounts to conduct Winthrop business or when communicating as a representative of Winthrop. All Winthrop electronic data must be stored in Winthrop files, on Winthrop's servers, or Winthrop's cloud-based systems. The employee agrees to follow Winthrop procedures for network access and to take all necessary steps to protect the integrity of systems including but not limited to protecting passwords, not duplicating Winthrop-owned software, and not allowing Winthrop files or data to be viewed by others. Telecommuters should have no expectation of privacy when using Winthrop-owned equipment, or when conducting Winthrop business using personal devices, including cell phones.

### **Liability and Home Safety**

Winthrop will not be liable for damages to the employee's property resulting from participation in the telecommuting program. In signing the telecommuting agreement, the employee agrees to hold Winthrop University harmless against any and all claims, excluding workers' compensation claims. No employee engaged in telecommuting will be allowed to conduct face-to-face Winthrop-related business at the remote or alternate workplace. In signing the agreement, the employee also verifies that the remote or alternate workplace, if it is the employee's home, is free of safety and fire hazards.

### **Workers' Compensation**

The remote or alternate workplace is considered an extension of the employee's primary onsite workplace; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the remote or alternate workplace during approved telecommuting work hours. Any work related injuries must be reported to the employee's supervisor immediately and appropriate Winthrop personnel according to Winthrop's Workers' Compensation Policy. The employee understands that he/she remains liable for injuries or damage to the person or property of third parties or members of his/her family on the premises, and agrees to indemnify and hold Winthrop harmless from any and all claims for losses, costs, or expenses asserted against Winthrop by such third parties or members of the employee's family.

### **Curtailement of the Agreement**

Winthrop University has the right to remove the employee from the telecommuting program if participation fails to benefit organizational needs, or for any other reason, or for no reason as determined at the sole discretion of Winthrop. The telecommuting agreement will automatically terminate when the employee's employment ends for any reason. In the event the employee's employment with Winthrop University ends, or the telecommuting arrangement is discontinued for any reason, the employee agrees to return all Winthrop-owned equipment, supplies, documents, data, or

other Winthrop property to the primary onsite workplace within 48 hours or in a mutually agreed upon reasonable time period. If the employee fails to do so, he/she will reimburse Winthrop for all unreturned property. All documents, data, files, and other Winthrop business-related property will be returned immediately to Winthrop. If using employee-owned equipment, the employee agrees to remove any and all Winthrop business-related data, files, documents, etc. from the employee's equipment immediately upon ending employment. Failure to do so may result in legal action against the employee.

### **Termination of Telecommuting**

Winthrop University may terminate the telecommuting arrangement at any time with or without cause at its convenience. Termination of the telecommuting arrangement by Winthrop is final in terms of administrative review. By participating in the telecommuting arrangement, the employee agrees that any termination of working from the remote or alternate location will not constitute voluntary reassignment under the State Employee Grievance Procedure Act, or any Winthrop University policy.

### **Definitions**

**Telecommuting, Remote Employment/Work, or Work from home** – A work arrangement in which supervisors direct or permit employees to perform their usual job duties in a remote or alternate workplace away from their primary onsite workplace, in accordance with work agreements. Telecommuting, remote employment/work, or work from home may include: regular, recurring telecommuting work performed at a remote workplace; periodic, intermittent telecommuting or remote work arrangements; temporary or emergency telecommuting or remote work; or medical-related remote work arrangements.

**Primary Onsite Workplace or location** – A telecommuter's usual and customary workplace on campus.

**Remote or Alternate Workplace** – A workplace other than the employee's usual and customary workplace (primary onsite workplace) and may include the employee's home.

**Telecommuting Application and Agreement** – The signed document that outlines the understanding between Winthrop University and the employee regarding the telecommuting arrangement and provides guidelines and conditions for telecommuting. The telecommuting agreement document must be signed by the employee and all approving authorities prior to beginning telecommuting work. The agreement must be approved by the president (or designee) and will be maintained in the employee's human resources personnel file.

**Telecommuter** - An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location rather than Winthrop's primary work location.

**Telecommuting Coordinator** - The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program.

**Childcare and Dependent Care** - Telecommuting workers may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities. Telecommuting is not a substitute for childcare, dependent care, or other personal responsibilities. Telecommuters are required to use

accrued leave when necessary to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

**Telecommuting Toolkit for Supervisors and Employees** – The document that outlines additional information about the telecommuting relationship between the employee and Winthrop University. Supervisors and employees must acknowledge of review and understanding of the toolkit/resources prior to approval for telecommuting.

**Safety Checklist** – The portion of the Telecommuting Application and Agreement document that requires the employee to certify that the remote or alternate workplace is maintained in a safe condition, free from hazards and other dangers to the employee and Winthrop's equipment.