

COLLEGE of CHARLESTON

OFFICIAL POLICY

9.3.2

Telecommuting Policy

8/17/2021

Policy Statement

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN EMPLOYEES AND THE COLLEGE OF CHARLESTON. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE COLLEGE OF CHARLESTON RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART, AT ANY TIME. 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.

Purpose

Section 8-11-15(B) of the South Carolina Code of Laws provides that state agencies “may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.” Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for the College of Charleston (College). This policy is established to provide a telecommuting program for staff and administrators within the College pursuant to state law and guidelines.

The purpose of this policy is to define the College’s telecommuting program and the rules under which it will operate. This policy is designed to help supervisors and employees understand telecommuting.

This policy does not address periodic informal, intermittent, temporary or other emergency telecommuting that may be permitted due to issues such as traffic-related emergencies, short-term illness, transportation emergencies due to weather, natural disasters, a pandemic health crisis (following directives from the State), or other unanticipated needs.

Authority

The President has the authority to establish a telecommuting program within the College, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting Guidelines established by the South Carolina Department of Administration’s (Admin) Division of

State Human Resources. The President or his/her designee has the ability to set the work schedule and work location for College employees. This telecommuting program is implemented following the Telecommuting Guidelines published by Admin's Division of State Human Resources (DSHR) and all other appropriate federal and state laws, as well as the College's regulations and policies.

Definitions:

Telecommuting/Teleworking: a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with telecommuting agreements. May also be referred to as remote work. Three main categories of telecommuting exist:

- **Regular, recurring telecommuting** may be full-time or part-time, such as one or two days a week or parts of each workday (to avoid peak commuting hours). This level of telecommuting requires a formal agreement between the employee and the College, and the time telecommuting must be tracked as required.
- **Periodic, intermittent, telecommuting** arrangements such as when an employee is assigned a project with a short timeframe or one that requires uninterrupted time to complete. This level of telecommuting does not require the formal agreement or checklist process.
- **Temporary or emergency telecommuting** may be used during short-term illness, transportation emergency due to weather, a natural disaster, pandemic health crises, or other similar unplanned emergent events. This level of telecommuting does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the College. These arrangements should be limited to the duration of the short-term illness, transportation emergency due to weather, natural disaster, pandemic health crisis (following directives from the State), or other similar unplanned emergency event.

Primary Workplace: The telecommuter's usual and customary workplace on campus or at an official satellite location.

Alternate Workplace: A workplace other than the employee's usual and customary workplace (primary workplace) and may include the employee's home. The alternate workplace is not a College office.

Telecommuting Application: The document used by supervisors and employees to evaluate the employee's ability to successfully telecommute, as well as to assess the appropriateness of the position for telecommuting.

Telecommuting Agreement: The signed document that outlines the understanding between the College and the employee regarding the telecommuting arrangement. A telecommuting agreement should be renewed at least annually. The telecommuting agreement should be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the telecommuting agreement change. Telecommuting agreements are not transferable from one position to another.

Telecommuter or Teleworker: An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location (alternate workplace) rather than the College's primary location.

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

Child Care 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 child care, 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 during work hours. This includes time spent caring for ill household members or other people.

Safety Checklist: The signed document that certifies that the separate work space in the alternate workplace is maintained in a safe condition, free from hazards and other dangers to the employee and the College's equipment. The employee must complete and return to the College's Office of Human Resources the *Telecommuting Safety Checklist* before the employee may begin telecommuting.

Telecommuting Eligibility Requirements and Procedures

- Telecommuting is a management option and not a universal employee benefit. Telecommuting may not be suitable for all employees and/or positions. **The decision to allow an employee to telecommute is solely at the discretion of the College. The College may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the ability to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.** Departments are required to ensure that appropriate coverage and services are maintained during the College's normal operating schedule, 8:30 am – 5:00 pm, Monday through Friday, or as may be required otherwise. Departments and employees providing direct services for students, employees or the public must ensure that those services are not negatively impacted and participation in telecommuting may be denied or limited as a result. Participation in telecommuting for employees whose physical presence is required on campus for the performance of their duties may also be denied.
- Initiation of a telecommuting arrangement can be at the request of either the College or the employee. Generally, an employee's participation in the College's telecommuting program is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the division head and the Vice President of Human Resources or designee. The division head or designee may, however, designate a position as telecommuting only. In this case, telecommuting would not be voluntary.
- To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with the College. This requirement may be waived at the

discretion of the division head if the position has been designated as a telecommuting position or for any reason deemed appropriate by the division head. Employees in a warning period of substandard performance or those who were recently (within the past 12 months) subject to disciplinary action are not eligible for telecommuting. These requirements can be waived by the division head if the position is one in which telecommuting is required or for any other reason deemed appropriate.

- In order to establish a telecommuting arrangement with an employee, the combined ***telecommuting application***, ***telecommuting agreement***, and ***safety checklist*** must be completed and signed by the employee, the supervisor and department leadership, and the division head/designee and submitted to the Office of Human Resources for final approval. Once the application and agreement/checklist are approved by management, the employee will be notified and may then begin telecommuting.
- When reviewing the appropriateness of telecommuting for employees, the department should first consider the following factors:
 - Needs of the department/unit and the employee;
 - Employee's work duties and the ability to measure or assess work performed;
 - Availability and costs of needed equipment (see safety checklist);
 - Ability to generate cost savings and increased efficiencies for the College;
 - Employee's current and past job performance, as documented in performance evaluations, including time management, organizational skills, self-motivation, and the ability to work independently;
 - Assessment of other employees in the immediate work unit performing similar responsibilities to determine interest;
 - Effect on services and the remaining employees of the unit or department;
 - Measurable objectives and results mutually agreed to by the employee and the supervisor; and
 - Other items deemed necessary and appropriate.
- Approval of a telecommuting arrangement will be granted based on a totality of factors, including the suitability of the job and employee for telecommuting, satisfaction of all eligibility criteria, and departmental needs.

Conditions of Employment

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the College's primary workplace. The telecommuter's supervisor may, however, assign additional responsibilities related to communication, work progress and productivity. The employee will continue to comply with federal and state law, and College policies and procedures while working at an alternate place. The employee shall remain subject to all College disciplinary policies and procedures while performing work at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.

Work Hours

Work hours and location are specified as part of the telecommuting agreement. The employee must be accessible during the specified work hours. The College and the employee agree that, at the College's discretion, the employee may perform assigned work for the College at a location other than the College's on-site office as a "telecommuter." Failure to observe assigned work hours may result in disciplinary action and immediate revocation of the agreement.

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. 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.

Work Assignments and Evaluation of Work

The supervisor will meet with the employee regularly to provide assignments and to review completed work. The employee will complete all assigned work according to procedures agreed upon with the supervisor. The employee will be required to adhere to those standards agreed upon with the employee's manager for telecommuting purposes. The evaluation of the employee's job performance will be based on such established standards and should be documented and evaluated using the annual EPMS process. Performance must remain satisfactory to remain a telecommuter.

Pay and Attendance

The employee's salary and benefits remain the same as if the employee were working at the College's primary workplace. If the employee works less than the employee's normal workweek, salary and benefits must be adjusted accordingly. An employee will be compensated for all pay, leave, and overtime (for non-exempt employees) as if all duties were being performed at the employee's primary workplace.

Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

Advancement

Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.

Leave and Overtime

Requests to work overtime and use sick, annual or any other leave must be approved by the College in the same manner as when working at the College's primary workplace. **A non-exempt employee shall not work overtime unless authorized in advance by the supervisor or as otherwise authorized by the College's Hours of Work Policy.** Telecommuting hours are regular work hours

and, therefore, employees may not perform personal activities during these hours. The employee agrees that telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care requirements must make arrangements for someone else to provide dependent care services during the agreed upon work hours. Telecommuters are expected to follow College leave policies and procedures to request time off from telecommuting to engage in non-work activities.

Campus Office Space

Generally employees who telecommute three (3) days or more per week will not retain their designated office space, if applicable. To help the College achieve efficiency and cost savings, the designated office space may be used as shared office space or for other purposes as deemed necessary by the division head or the College.

Office and Telecommuting Location

The employee will work at the primary workplace or the approved 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. The College will establish agreed upon expectations relative to the time the employee would need to spend in the primary workplace and to give adequate notice when these expectations are subject to change, when possible. However, the employee may be required to report to the primary workplace without advanced notice, upon request by the College.

Generally, the alternate workplace should be in South Carolina. If a division head deems it necessary to allow an employee to designate an alternate workplace outside of South Carolina, the College will research tax, workers' compensation and other implications of having employees who perform work in another state. Any additional related costs will be the responsibility of the employee's department. Employee requests to designate an alternate work location outside of South Carolina may be denied.

Under no circumstances may an employee conduct work from a location outside of the state of South Carolina unless specific approval is received from their department head and Human Resources. No work may be performed at a location outside of the United States.

If the alternate workplace is in the employee's home, the employee is responsible for reviewing their home or rental insurance to ensure there is no prohibition against a home office and any relevant zoning requirements to ensure a home office is permitted.

Workspace Safety

The employee agrees to designate a separate workspace in the 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 the College's equipment. To ensure the safety of the workspace, the employee agrees to complete and return to the College a **Telecommuting Safety Checklist** (part of the telecommuting agreement) which will certify the employee's alternate workplace complies with health and safety requirements. The employee must submit this checklist to the College before the employee may begin telecommuting. The employee agrees that the College shall have reasonable access to the alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that the employee 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 alternate workplace if it is in the employee's home. The employee agrees to consult with the College before moving any heavy equipment or furniture in the alternate workplace.

Liability and Home Safety

The College of Charleston 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 the College harmless against any and all claims, excluding workers' compensation claims. The employee accepts responsibility for maintaining the security, condition, and confidentiality of the College's equipment, materials and data (including but not limited to files, applications, manuals, forms) that are at the alternate workplace. No employee engaged in telecommuting will be allowed to conduct face-to-face College-related business at the alternate workplace, if it is the employee's home. In signing the agreement, the employee also verifies that the alternate workplace, if it is the employee's home, is free of safety and fire hazards.

Workers' Compensation

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

Equipment and its Maintenance:

The College may provide all or part of the equipment necessary for accomplishing work assignments. However, where agreements specify, employees may be authorized to use their own equipment.

College-Owned Equipment - College of Charleston equipment may be used only for legitimate purposes by authorized employees. Any College equipment issued to an employee for use in telecommuting must be recorded in the telecommuting agreement.

College of Charleston equipment used in the normal course of employment will be maintained, serviced, and repaired by the College of Charleston's IT Service Desk. If equipment cannot be repaired remotely, the employee will be responsible for delivering the equipment to the IT Service Desk.

Employee-Owned Equipment - When employees are authorized to use their own equipment, the College will not assume responsibility for the cost of repair, maintenance, or service.

The College and the employee must agree upon the equipment to be used in telecommuting. The employee must protect equipment provided by the College against damage and unauthorized use. Equipment provided by the employee will be at no cost to the College and will be maintained by the

employee. The employee agrees that the College shall have reasonable access to the alternate workplace for business related purposes such as inspection of the space and retrieval of College property. The employee also agrees that any personal equipment used to conduct College business could be subject to disclosure by subpoena or the Freedom of Information Act.

Operating Costs

The College will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities), associated with the use of the employee's residence.

Protecting Computer Systems and Records

The College's security controls and conditions for use of the state-owned equipment for the official work location will also apply to alternate workplaces. All official College of Charleston records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary workplace. The employee agrees to abide by any rules promulgated by the College concerning the use of computer equipment (which may include protecting the employee's home PC against computer "viruses"), and understands that these rules may be changed at any time, with advance notice, where feasible. The employee agrees to follow College of Charleston 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 College of Charleston-owned software, and not allowing College of Charleston files to be viewed by others.

Curtailment of the Agreement:

The College of Charleston has the right to remove the employee from the program if participation fails to benefit organizational needs. Additionally, employees may be removed from the program at the discretion of the division head. In the event the employee ceases employment with the College, or this telecommuting arrangement is discontinued for any reason, the employee agrees to return all College equipment and supplies in good condition to the primary workplace within 48 hours or a mutually agreed upon reasonable time period. If the employee fails to do so, the employee will be responsible for reimbursing the College for all unreturned property to the extent permitted by State and Federal law. All work documents will be returned immediately to the College. In addition, this agreement shall automatically terminate when the employee ceases to be employed by the College of Charleston.

The College of Charleston may terminate the telecommuting arrangement at any time with or without cause at its convenience, and this termination is final in terms of administrative review. By participating in a telecommuting arrangement, the employee agrees that any termination of working from the alternate workplace will not constitute an involuntary reassignment under the State Employee Grievance Procedure Act.

Policy Manager and Responsible Department or Office

Office of Human Resources

Policy

Departments/Offices Affected by the Policy

All departments and offices are affected by this policy.

Procedures Related to the Policy

Related Policies, Documents or Forms

Telecommuting Application/Telecommuting Assessment/Telecommuting Safety Checklist

Issue Date: 9.2.21

Date of Policy Revision: 8.17.21

Next Review Date: 9.2.2026

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 9.3.2

President or
Chairman, Board of Trustees



Date: 9/2/2021