

# BLACK HILLS STATE UNIVERSITY

## Policy and Procedure Manual

SUBJECT: Telecommuting

NUMBER: 4:13

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Office/Contact: Office of Human Resources

Source: [SDBOR Policy 1:6](#) (Appointment, Authority, and Responsibilities of Presidents and Superintendents); [SDBOR Policy 4:39](#) (Alternative Work Schedules)

Forms: [VPN Access Request Form](#); [Telecommuting Request Form](#)

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### 1. Purpose

This policy and its procedures define whether and how University employees' requests to telecommute or work from a remote location will be considered by the University.

### 2. Definitions

- a. Telecommuting: the act of a University employee working from a location different than the Normal Workstation for that employee's job description for any defined period of time, excluding travel.
- b. Non-Essential Personnel: employees designated by the University Continuity of Operations Plans pursuant to the University Emergency Management Plan as not being necessary for work during a particular emergency or employee designated so by the University President, or designee, in a time of emergency.
- c. Normal Workstation: the physical location—office, workstation, or building—where the employee's position is regularly assigned to work by their supervisor as authorized in accordance with [BHSU Policy 4:12](#).
- d. Remote Site: the physical location where an employee's supervisor has assigned the employee's workstation other than the Normal Workstation.

### 3. Policy

- a. Telecommuting is a voluntary agreement between eligible employees and their supervisor and must be approved on an individual basis by the Vice President.

Telecommuting is not appropriate for all employees and jobs and should be considered on a case-by-case basis. In special circumstances, there may be instances such as inclement weather or other declared emergencies that temporarily require employees to work remotely. In all instances of Telecommuting, the following guidelines apply.

- b. The SDBOR has delegated to the University President, subject to limited exceptions under SDBOR Policy 1:6 and other corresponding SDBOR policies, the authority to appoint, terminate, manage, supervise, control, and determine compensation for University employees. The SDBOR, through SDBOR Policy 4:39, has also recognized the potential need for flexibility in employment terms by allowing for alternative work schedules that nevertheless “meet program goals and provide better customer service.”
- c. In keeping with the above standards, Telecommuting shall, unless directed by the President as provided in subpart 3.i below, only be considered where the requesting non-probationary employee has been in a full-time, Fair Labor Standards Act-exempt, and non-faculty position, and whose department or unit will meet program and workload goals, and provide better customer service, through the Telecommuting arrangement.
- d. Once the threshold for consideration is met, the following issues, in no particular order, may be considered before approving a Telecommuting request:
  - i. The prior performance of the employee, particularly as would indicate their performance with diminished direct oversight;
  - ii. The ability to regularly monitor the employee’s performance from a remote site given their job duties and the available technology;
  - iii. The importance of the employee being located at their Normal Workstation to achieving program goals of the department or unit;
  - iv. The desires of the employee;
  - v. The impact of approval on colleagues in the department or unit, including any workload shifting;
  - vi. The impact of approval on the career development of the employee;
  - vii. The suitability of the employee’s proposed Remote Site; and

- viii. The technology and equipment available for the employee to use from the proposed Remote Site.
  - ix. The employee has demonstrated sustained high performance, and the supervisor believes that the employee can maintain the expected quantity and quality of work while Telecommuting;
- e. Initial and continued approval of Telecommuting requests shall be conditioned upon the following requirements:
- i. Telecommuting assignments do not change the conditions of employment. Work performed at alternate locations is considered official university business and documents created in the course and scope of employment are university business documents. Employees on Telecommuting assignments are required to comply with all appropriate policies and procedures. The university may establish additional specific conditions that apply to employees working at alternate locations;
  - ii. An employee's compensation and benefits will not change due to Telecommuting;
  - iii. The total number of hours employees are expected to work will not change regardless of work locations. Work hours must be documented in accordance with university policies and procedures, state and federal laws. Overtime-eligible employees may not claim overtime hours due to Telecommuting, unless pre-approved by supervisor. Any adjustments to work hours require prior written approval of the supervisor;
  - iv. Employees working remotely are responsible for establishing and maintaining effective communication and workflow among coworkers, department managers and customers, and should be accessible by phone or other electronic means during their normal or other agreed upon work schedule.
  - v. Employees are responsible for the safety and security of all University property and propriety information. Equipment and services provided are at the sole discretion of the employee's department. University provided

equipment remains the property of the University and must be returned upon termination of the Telecommuting arrangement.

- vi. The University shall provide necessary office supplies, as determined by the supervisor. All supplies should be secured in the telecommute site and must not be used by the telecommuter or others for personal purposes.
- vii. The telecommuter will not be paid for time or mileage involved in travel between the Telecommuting-site and the primary worksite. The employee is required to provide their own utility service to their workstation, including but not limited to telephone service, high-speed internet service, homeowner's insurance, cleaning services, electricity, and heat;
- viii. The employee shall establish and maintain a workstation in clean and working order, and in compliance with all applicable building codes, in their Remote Site that shall be approved by the supervisor prior to the start of Telecommuting, and shall only be substantially modified upon approval by the supervisor;
- ix. The employee shall also adhere to all SDBOR and University policies, in addition to all applicable laws, at their Remote Site and while on University business;
- x. The employee shall maintain all confidential, trade secret, proprietary, and personally identifiable information as required;
- xi. The employee is to allow University personnel to access the employee's Remote Site workstation for business-related purposes, including set-up, servicing, and replacing University equipment, and for obtaining University property;
- xii. Where the University does not provide its own equipment, software, and resources to set up and maintain the Remote Site workstation, the employee will be responsible for paying for and obtaining the equipment deemed necessary by the employee's supervisor for the employee to carry out the essential functions of their position, with such equipment and its business use subject to all applicable SDBOR and University policies;

- xiii. The employee must maintain a performance rating of “meets expectations” or equivalent in their performance evaluations while Telecommuting. If such standards are not consistently met, the Telecommuting agreement may be revoked;
  - xiv. The employee is responsible and liable for the loss of state-owned equipment due to damage or theft while Telecommuting;
  - xv. Telecommuting is prohibited from serving as a substitute for childcare, personal leave, as a means of facilitating outside employment or other activities prohibited by federal, state, or local law or SDBOR or University policies while on University work time; and
  - xvi. Telecommuting arrangements are not a substitute for their own or a family member’s illness, injury or other circumstance when sick leave or FMLA is appropriate.
- f. Supervisors may accept an intermittent or temporary Telecommuting arrangement, or a longer-term arrangement. Before receiving consideration, the employee requesting such an arrangement must specify their proposed Remote Site schedule and job duties.
  - g. Supervisors may work with employees jointly to create a Telecommuting arrangement that best serves the interests of the University, under the terms of this policy.
  - h. Supervisors retain full discretion on whether to approve or deny any Telecommuting request made by their direct report. The approval is conditioned upon further approval by the department or unit head and Human Resources. Payroll Services, IT, and Risk Management will be contacted for consideration of compliance issues related to the Telecommuting request prior to any approval of the Telecommuting request.
  - i. Once approved, the employee’s supervisor retains the authority to temporarily or permanently revoke any approved Telecommuting request for any reasonable employment, educational or programmatic reason, including but not limited to the considerations and requirements listed above. Reasonable effort will be made to provide 30 days’ notice of such a change to accommodate commuting, childcare,

and other problems that may arise from such a change. Non-essential personnel may be directed to temporarily Telecommute. This directive does not require the completion of any forms or agreements, but requires supervisors to consult with the affected employees, Human Resources, and to provide written work expectations that are subject to supervisor modification during the Telecommuting period directed by the President, or designee.

- j. Liability
  - i. Injuries at Remote Work Site. The University assumes no liability for injury at the remote work site to any other person who would not be in the work area if the duties were being performed at the regular place of employment. An injured employee participating in telecommuting must notify his or her supervisor immediately and complete all requested documents. Workers' Compensation benefits will apply to injuries arising out of and in the course and scope of employment.
  - ii. Damages to Personal Property and Operating Costs. The University will not be liable for damages to employee-owned equipment being used in telecommuting or that may result from telecommuting. The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, internet or telephone, insurance) associated with the use of the employee's residence for telecommuting, unless specifically provided in advance and in writing by the department head as outlined in the agreement.
- k. Supervisors may accept an intermittent or temporary Telecommuting arrangement, or a longer-term arrangement. Before receiving consideration, the employee requesting such an arrangement must specify their proposed Remote Site schedule and job duties.
  - i. Supervisors may work with employees jointly to create a Telecommuting arrangement that best serves the interests of the University, under the terms of this policy.
  - ii. Supervisors retain full discretion on whether to approve or deny any Telecommuting request made by their direct report. The approval is

conditioned upon further approval by the department or unit head and Human Resources.

- iii. Once approved, the employee's supervisor retains the authority to temporarily or permanently revoke any approved Telecommuting request for any reasonable employment, educational or programmatic reason, including but not limited to the considerations and requirements listed above. Reasonable effort will be made to provide 30 days' notice of such a change to accommodate commuting, childcare, and other problems that may arise from such a change.
- iv. Due to an emergency, public health concern or other circumstances, non-essential personnel may be directed to temporarily Telecommute. This directive does not require the completion of any forms or agreements, but requires supervisors to consult with the affected employees, Human Resources, and to provide written work expectations that are subject to supervisor modification during the Telecommuting period directed by the President, or designee. In this situation, telecommuting arrangements will be suspended when the campus or work environment is deemed to be safe.

#### 4. Procedures

- a. A [Telecommuting Request Form](#) must be filled out and signed by the employee, the supervisor, the Vice President, and the President.
- b. The employee must complete a [VPN Access Request Form](#) in order to have their Telecommuting request considered by their supervisor. The employee shall supplement the information provided on the Form as required by their supervisor.
- c. Upon receipt of the Form, the supervisor will consider whether the employee meets the eligibility requirements in this policy. If so, the supervisor will consider the factors contained in this policy when determining whether to grant the request. The supervisor shall also consult with the Department or Unit Head, Payroll Services, IT, and Risk Management for consideration of compliance issues related to Telecommuting, prior to seeking approval of any Telecommuting arrangements with Human Resources.

- d. If the supervisor refuses to grant the employee's Telecommuting request, the supervisor shall provide to the employee a written response with the rationale(s) justifying the refusal within ten (10) working days of the supervisor's receipt of the Form.
- e. The refusal of a Telecommuting request does not provide an independent basis for a grievance.
- f. Where the Remote Site is out of state, Payroll Services must be notified of the location prior to commencing the Telecommuting arrangement in order to set up the appropriate worker's compensation, unemployment and tax reporting requirements for the Remote Site.

5. Responsible Administrator

The VP for Finance & Administration, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approving this policy.

SOURCE: Approved by President Laurie Nichols on 10/11/2021.