

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

POLICY NUMBER: 8-7-106.1

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TITLE: TELECOMMUTING

POLICY
REFERENCE NUMBER: 8-7-106

DIVISION OF RESPONSIBILITY: Human Resource Services

DATE OF LAST REVISION: May 5, 2015

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM 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.

I. PURPOSE

The following procedure establishes the guidelines by which eligible South Carolina Technical College System employees may request to engage in telecommuting activities. Telecommuting is a management option and not a universal employee benefit. Additionally, this procedure outlines employee/employer responsibilities under an approved telecommuting arrangement and serves to protect the interests of the System Office/college. It is the System Office/college option to allow an employee to telecommute based on the guidelines set forth by the State Board for Technical and Comprehensive Education (SBTCE) and individual college procedures.

II. DEFINITION

Telecommuting is a work arrangement whereby selected employees are permitted to perform some or all of the normal duties and responsibilities of their positions, via the use of computers or other telecommunication equipment, at an alternate work location apart from the employee's primary location of work. Telecommuting may be a part-time or a full-time arrangement.

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While telecommuting is traditionally thought of as working from home, other types of telecommuting may apply. The System Office/college shall assess each situation on a case-by-case basis.

III. GUIDELINES

The System Office/college may elect the allowance of telecommuting as a viable management option and develop local procedures to include a telecommuting application, agreement, and workspace checklist (which must be developed in accordance with the Budget and Control Board Human Resources Division's models found at www.state.sc.us/ohr) prior to implementation. The System/College President is the final approval authority for telecommuting applications/agreements. The Budget and Control Board's Human Resources Division requires the identification of a telecommuting coordinator. Unless otherwise designated by the System/College President, the human resources officer will have this responsibility. Employee participation is voluntary.

Participation is not an employee right or benefit and may be discontinued at any time by either party.

Denial or termination of a telecommuting arrangement is not subject to the employee grievance process. Telecommuting may not be appropriate to all areas of the System Office/college, especially those having limited staff and/or those areas requiring in-person contact with customers.

IV. ELIGIBILITY

- A. The System Office/college may identify the job classes or positions with duties or portions of duties considered appropriate for telecommuting.
- B. In order to be eligible to apply for telecommuting, an employee should have completed six months of satisfactory employment with the System Office/college. This six-month requirement may be waived at the discretion of the System/College President based on factors such as recruiting, residency of potential employees, and anticipated duration. The System Office/college may identify a list of skills and characteristics deemed necessary for the employee to be a successful telecommuter. Employees in a warning period of substandard performance are not eligible for telecommuting.

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V. APPLICATION FOR TELECOMMUTING

- A. An eligible System Office/college employee shall complete an application for telecommuting and submit the request to his/her supervisor for approval and through the human resources office with final approval by the System/College President or designee. The application for telecommuting shall include the minimum requirements in the State Employee Telecommuting Guidelines. Normal workshop attendance, off-campus meetings, and professional development activities are excluded and will be handled through other policies and procedures.
- B. Requests for telecommuting will be considered on an individual basis. The System Office/college must approve the request prior to the employee beginning to telecommute. Upon approval, the employee agrees via a telecommuter's agreement to follow all requirements of the System Office/college procedure and any additional requirements agreed upon by the System Office/college and the employee.

VI. CONDITIONS OF TELECOMMUTING

- A. Telecommuting may not be used as a substitute for child, elder, or any type of dependent care. Telecommuters must make or maintain dependent care arrangements outside of the designated work location during the designated telecommuting hours.
- B. Telecommuting may not be used as a substitute for other types of leave such as sick leave, family medical leave, annual leave, faculty non-work days, or workers' compensation.
- C. A regular telecommuting schedule to include specific hours and days of telecommuting must be established in writing via the telecommuting application prior to the start of the work arrangement and must be mutually agreed upon by the employee and the appropriate management of the System Office/college. Any change to the agreed upon schedule must be approved by appropriate management and documented. Telecommuting does not remove the need for an employee to report to the primary work location as needed by the supervisor. The manager or supervisor should provide reasonable notice when disruption of the telecommuting schedule is necessary; however, in extreme circumstances, the employee may be required to report to the primary office without advance notice.
- D. While working away from the primary office, telecommuting employees must be accessible for communication (e.g. land line or cellular telephone, e-mail, etc.). The

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- System Office/college may include in the telecommuter's agreement the means and frequency by which regular communication shall be made.
- E. The employee's duties, responsibilities, benefits and conditions of employment remain the same as if the employee were working at the System Office/college primary work location. The employee will continue to comply with federal and state laws and regulations, as well as SBTCE and college policies and procedures while working at the alternative location. This would include compliance with the State Ethics Act, which prohibits personal gain from the use of System Office/college equipment, time, or facilities.
 - F. 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 applicable pay, leave, overtime, and travel reimbursement as if all duties were being performed at the employee's primary work location.
 - G. 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 System Office/college in the same manner as employees working at the primary work location. An employee shall not work overtime unless authorized in advance by the System Office/college or as otherwise authorized by the SBTCE overtime procedure.
 - H. Participation in telecommuting should be based on the ability of the employee to perform tasks that can be completed from alternative locations, such as a home office and management assessment of the employee's ability to complete those tasks satisfactorily. Typical functions that work well in a telecommuting situation include but are not limited to: data entry, research, writing projects, financial analysis, spreadsheet preparation, database maintenance, project management, graphic and design work, word processing, editing, computer programming, auditing, and drafting.
 - I. All non-exempt employees participating in a telecommuting arrangement must receive advance supervisory approval before working overtime. The employee must follow SBTCE and college work policies and procedures regarding work hours and schedules, including keeping records of time and attendance as if the work were performed at the primary office. The System Office/college may require record of hours worked submission for exempt and non-exempt employees who telecommunicate.

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- J. The employee agrees to designate a separate workspace at the alternative 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 the System Office's/college's equipment. To ensure the safety of the workspace, the employee agrees to complete and return to the System Office/college a Telecommuting Work Space Checklist, which will certify the employee's alternate workspace, and complies with health and safety requirements. The employee must submit this checklist to the System Office/college before telecommuting begins. The employee agrees that the System Office/college shall have reasonable access to the workspace for the purposes of inspection of the site and retrieval of System Office/college owned property. The System Office/college shall establish the time, frequency, or scope of such inspections.
- K. The alternate work location is considered an extension of the employee's primary work location. Therefore, workers' compensation will continue to exist for the employee when performing official work duties in the alternate workspace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately and in accordance with established SBTCE or college reporting procedures.
- L. The System Office/college may provide all or part of the equipment and/or services necessary for accomplishing work assignments.
- M. The System Office/college will cover the cost of installation, repair, or maintenance of state-owned equipment necessary for accomplishing work assignments. The employee is responsible for any damage to state equipment resulting from gross negligence while in the employee's possession. The employee should not allow family, friends, neighbors, etc. to use state-owned equipment.
- N. The System Office's/college's security controls and conditions for use of the state-owned equipment for the official work location will also apply to alternate work locations. All System Office/college records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the primary work location ensuring the confidentiality of all is essential.
- O. No employee engaged in telecommuting will be allowed to conduct face-to-face, agency-related business at his/her alternate work site. The System Office/college will not be liable for injuries or damages to persons or property in the alternate work location except as provided in K above. Should the use of personally owned equipment be necessary to conduct telecommuting, the responsibility for the care,

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maintenance, and repair of the personal equipment shall be addressed by the telecommuting agreement.

VII. TERMINATION OF TELECOMMUTING

- A. The System Office/college may terminate the telecommuting arrangement at any time without cause.
- B. Upon termination of the telecommuting arrangement or upon termination of employment, all System Office/college equipment, files, documents or other System Office/college property at the alternative work site must be returned immediately.
- C. Termination of a telecommuting arrangement is not subject to the employee grievance process.
- D. Any change of employee status may negate this telecommuting agreement. Such changes may include, but are not limited to the following: promotions, transfers, reassignment, temporary, or otherwise. This does not prohibit the negotiation of a new telecommuting agreement.

VIII. REPORTING REQUIREMENTS

The System Office/college must provide to the Budget and Control Board's Human Resources Division a report of the utilization of telecommuting. The System Office's Human Resource Services shall coordinate the annual submission of telecommuting information to the Human Resources Division upon request.

ADDENDUM #1
Sample Telecommuting Application

The decision to telecommute should be based on the ability of an employee to work in a setting that may be in the employee's home or other approved area, without immediate supervision. The following tool can be used by an employee as a basis for discussing the option of telecommuting with a supervisor. The employee should submit the application to a supervisor for evaluation and final approval by the agency head or designee.

Please answer the following questions rating your abilities, using the following scale:

5 – Always 4 – Usually 3 – Sometimes 2 – Rarely 1- Never

_____ 1. I can develop regular routines and am able to set and meet deadlines. I am self-motivated, self-disciplined, and able to work independently; completing projects on time with minimal supervision and feedback; and I am capable of being productive when no one is checking in or watching at work.

_____ *Supervisor Rating*

_____ 2. I have strong organizational and time-management skills; am results-oriented; will remain focused on work while telecommuting and not be distracted by television, housework, or visiting neighbors; will manage my time and workload well, solve many of my own problems and find satisfaction in completing tasks on my own; am comfortable setting priorities and deadlines; and can keep my sight on results.

_____ *Supervisor Rating*

_____ 3. I am comfortable working alone; can adjust to the relative isolation of working at home; and can set a comfortable and productive pace while working at home.

_____ *Supervisor Rating*

_____ 4. I have a good understanding of the organization's culture and environment. I am knowledgeable about the organization's procedures and policies and have been on the job long enough to know how to do my job in accordance with those policies.

_____ *Supervisor Rating*

_____ 5. I have effective working relationships with co-workers and will be able to maintain such communications while telecommuting.

_____ *Supervisor Rating*

_____ 6. I am adaptable to changing routines and environments and have demonstrated an ability to be flexible about work.

_____ *Supervisor Rating*

_____ 7. I am an effective communicator, have demonstrated effective communication between supervisors and co-workers, and am comfortable in using various methods of communication.

_____ *Supervisor Rating*

_____ 8. I am in good standing with the agency on my previous and current performance reviews.

_____ *Supervisor Rating*

9. Is my job appropriate for telecommuting? (Check those that apply.)

- My job responsibilities are arranged so that there is no difference in the level of service provided to the customer regardless of work location.
- My job has minimal requirements for direct supervision or contact with the customer.
- My job requires low face-to-face communication and I have the ability to arrange days when communication can be handled by telephone or e-mail.
- My job has minimal requirements for special equipment.
- I am able to define tasks and work products with measurable work activities and objectives.
- I am able to control and schedule work flow.

10. Is my alternate workplace an appropriate environment for telecommuting? (Check those that apply.)

- I have a safe, comfortable work space where it is easy to concentrate on work.
- I have the appropriate level of security required by the agency.
- I have the necessary office equipment and software that meet agency standards.
- I have a telephone, with separate home office line if required, an answering machine or voicemail, and internet access (where applicable).
- I have household members who will understand I am working and will not disturb my work.

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ADDENDUM #2
South Carolina Sample Telecommuting Agreement

This _____ is _____ an _____ agreement _____ between _____ (agency) and _____ (employee). This arrangement shall begin on _____ and will terminate at the convenience of the agency no later than _____.

This agreement establishes the terms and conditions of telecommuting. The employee agrees to participate in the telecommuting program and to follow the applicable guidelines and policies. The agency agrees with the employee's participation. **The employee's signature on this Agreement constitutes acceptance of the terms listed throughout the Telecommuting Guidelines (or Policy).** *(Note: the employee should initial each page of the procedure and attach it to this Agreement).*

Designation of Alternate Workplace and Hours:

The following are the working hours and locations agreed to by both parties:

| General Work Hours: | | | |
|----------------------------|----------------|-----------|---|
| (Day) | (Hours) | | (Location) P=Primary Workplace A=Alternate Workplace |
| | From | To | |
| Monday | | | |
| Tuesday | | | |
| Wednesday | | | |
| Thursday | | | |
| Friday | | | |
| Saturday | | | |
| Sunday | | | |

Primary Workplace: _____
 Address: _____
 Telephone Number: _____

Alternate Workplace: _____
 Address: _____
 Telephone Number: _____
 Fax: _____
 Cell Phone: _____
 E-mail: _____

Equipment Used in Alternate Workplace

The following table lists the agency or state equipment that will be used at the alternate workplace (attach additional documentation if needed):

| Item: | Inventory Number: | Date Out: | Date Returned: |
|-------|-------------------|-----------|----------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

Special Conditions or Additional Agreements (List if applicable):

I have read and received a copy of the Telecommuting Guidelines (or Policy) and fully understand issues regarding: pay, attendance, advancement, leave, overtime, office location, liability, workers compensation, operating costs, safety, evaluation, termination of agreement, and equipment maintenance.

We agree to abide by the terms and conditions of this agreement.

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Agency Head or Designee: _____ Date: _____

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