

Telework

Purpose

Allegany College of Maryland provides telework arrangements to employees when it is mutually beneficial to both the employee and the college. The policy defines telework, indicates the requirements for formal Telework Agreements and outlines the responsibilities of both teleworkers and Allegany College of Maryland.

Policy Statement

Telework is defined as a recurring work arrangement where the employee enters into a mutually agreed-upon formal agreement with the college to perform his/her job duties in an approved alternate location one day per week, while using technology to connect to the college in performance of their job requirements. Telework may not be suitable for all employees and/or positions. All telework arrangements will be evaluated on an ongoing basis and subject to modification or discontinued upon written notice. A telework arrangement does not change the terms and conditions of employment with the college.

An employee who is out of the campus-assigned workspace on telework must be reachable during scheduled hours by phone or electronically, and if necessary, the employee may be required by the supervisor to return to the office with reasonable notice. Employees are expected to provide supervisors with planned work assignments to be undertaken while teleworking and to summarize accomplishments to the supervisor. Open and ongoing communication is required between the teleworker and the supervisor for telework to be successful and to continue.

A teleworking employee's salary, job responsibilities, number of hours worked, and benefits remain unchanged while away from the campus-assigned office. To the extent possible, the amount of time an employee is expected to work and/or productivity expectations will not change due to teleworking, though telework schedules may include flexible hours outside of regular business hours. If different than normal business hours, the teleworkers schedule must be agreed upon by the supervisor and teleworker. Schedules may be reevaluated and updated as needed.

Telework is not a substitute for child or other dependent care. Teleworkers shall make or maintain childcare, adult care, or similar personal arrangements to permit concentration on work assignments during agreed upon work hours.

Telework Policy for Faculty

Faculty member's teaching and learning obligations are performed in a variety of methods including assignments at campus-assigned facilities, at off-campus instructional sites, and by online instruction. Given the nature of faculty work, it is an accepted practice for faculty members to conduct their work activities on varied schedules and in alternate locations as appropriate and approved by Instructional and Student Affairs at the time of course creation and publication.

Formal telework agreements are not required to be completed by faculty. However, if it is determined that a faculty member's normal assignment warrants regular work at an alternate off-campus location which varies from their regularly assigned teaching and learning obligation, a formal Telework Agreement shall be entered into at the time of offer or assignment to the off-campus location.

Exception to the Policy for Emergencies

The college may implement a temporary allowance for more flexible and widespread telework arrangements during an adverse working condition emergency, such as fire, power failure or public state of emergency. As such, it may be necessary to temporarily lift certain requirements of this policy, such as a formal Telework Agreement, during all or a portion of the emergency, as deemed appropriate by the President of the college or designee.

Situational Telework Request

Situational telework is ad hoc telework as it occurs on a non-routine basis that is approved on a case-by-case basis for a temporary period of time. Employees, with supervisor and Human Resources approval, may engage in ad hoc telework for various reasons. Some include special work assignments that require uninterrupted blocks of time for successful completion, intermittent FMLA leave where the leave does not preclude the employee from performing his/her duties at the alternate work location, or to accommodate special requests.

Telework Requests as a Reasonable Accommodation

Reasonable accommodations to existing work requirements may be provided to individuals with disabilities in accordance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAA). Employees requesting a telework arrangement as a reasonable accommodation should contact the Office of Human Resources.

Eligible Positions and Employees

The Office of Human Resources, in consultation with supervisors, will analyze the nature of a position and how the work is performed and determine which positions are appropriate to designate or approve for telework. Several factors should be considered in determining the feasibility of telecommuting, including the college's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home. Other critical considerations include whether

- there is a need for face-to-face interaction and coordination of work with other employees;
- in-person interaction with outside colleagues, clients, or customers is necessary;
- the position in question requires the employee to have immediate access to documents or other information located only in the workplace;
- the telework work arrangement will impact service quality or college operations, or increase workload for other employees;

- the position can be structured to be performed independently of others with minimal need for support and little face-to-face interaction; and
- performance can be measured by quantitative or qualitative results-oriented standards, not time spent doing the job.

The Office of Human Resources, in consultation with the departments, will also identify broad categories of positions that are not eligible for telework, including but not limited to direct service and place-specific positions such as security officers, grounds workers, facilities trades workers, custodial workers, residence life staff, coaches, athletic support and operations positions, receptionist and administrative support positions, front desk attendants, library circulation and support staff, reference and research librarians, and IT direct support positions. This list of positions is not exhaustive, and the Office of Human Resources reserves the right to identify other positions that are not eligible for telecommuting.

If an employee in an eligible position requests approval for telecommuting, the supervisor, in consultation with the Office of Human Resources, will determine whether the employee is eligible. Generally, the following conditions must be met to approve an employee for telecommuting:

- The employee has been in the position for at least six months;
- The employee has no active formal disciplinary actions on file for the current or immediately preceding review period;
- The employee has a demonstrated ability to work independently and productively on his/her own and is self-motivated and flexible; and
- The employee received at least a satisfactory evaluation in the previous evaluation cycle.

Process

Teleworking must be documented as approved through a telework agreement. An employee and supervisor must complete a telework application and agreement form and receive written approval from all levels of supervision above the unit. The telework application form outlines general expectations and guidelines for telework arrangements.

Approval of the Telework Agreement must be complete and approved before the employee begins teleworking.

The signed original copy of the Telework Agreement will be retained by the Office of Human Resources in the employee's personnel file and copies should also be retained by the employee and the employee's home department.

Telework Agreements may be discontinued, without cause, at any time, at the request of either the teleworker or the college. When practicable, either the college or teleworker should provide a two week notice of termination of the Telework Agreement.

Performance issues, such as decreases in productivity or behaviors that detract value from the college may result in the loss of teleworking status and/or may result in disciplinary action.

Termination of college employment results in immediate cancellation of any Telework Agreement with the employee.

General Expectations and Conditions

- A. **Conditions of Employment.** The teleworker's conditions of employment shall remain the same as for non-teleworking employees; wages, benefits and leave accrual will remain unchanged unless there is a change in employment status or scheduled hours that impacts benefit eligibility.
- B. **Compliance with Policies.** All college policies, rules and procedures shall apply at the telework site, including those governing communicating internally and with the public, facilities and equipment management, financial management, information resource management, purchasing of property and services, and safety. Failure to follow policy, rules and procedures may result in termination of the telework arrangement and/or disciplinary action.
- C. **Hours of Work.** The Telework Agreement shall specify the regularly scheduled work hours agreed upon by the teleworker and their supervisor. The amount of time the teleworking employee is expected to work shall remain the same as for on-campus work, unless specified otherwise in the Telework Agreement. A teleworking employee must be available during scheduled work hours by phone, e-mail or other specified methods of communication with their supervisor, co-workers, other college employees and others outside the college with whom job-related communication is necessary.

As required by the Telework Agreement or upon at least 24 hours' notice by the employee's supervisor, the teleworker will attend job-related meetings, training sessions and conferences. In addition, the teleworker may be requested to attend meetings called with notice of less than 24 hours. The supervisor will use electronic means of communication whenever possible as an alternative to requesting attendance at such "short-notice" meetings, but there may be times when the employee's physical presence is deemed essential. In such cases the supervisor must provide sufficient notice to allow the employee a reasonable time to travel to campus to participate in the meeting

- D. **Evaluation and Continuation.** All telework agreements must be reviewed and renewed annually, prior to the start of the new fiscal year. However, modifications, adjustments, or terminations can occur prior to the annual review if necessary. Telework agreements are not transferrable to other positions.
- E. **Fair Labor Standards Act.** Teleworking employees who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in a manner designated by the college. Teleworking employees will be held to the same standard of compliance as campus-based employees. The agreed upon work schedule shall comply with FLSA regulations. For non-exempt employees, hours in excess of the regular work schedule must be pre-approved by the supervisor. Failure to comply with this requirement can result in the immediate termination of the Telework Agreement.

- F. **Emergency Disruptions and Inclement Weather.** If the primary worksite is closed due to an emergency or inclement weather, the teleworking employee will follow the same instructions for work hours as employees who do not telework. If there is an emergency at the telework site, such as a power outage, the teleworker will notify the supervisor as soon as possible. The teleworker may be reassigned to the primary worksite or an alternate worksite in such cases or be required to take leave.
- G. **Alternate Work Site.** The teleworker must establish and maintain a dedicated workspace that is quiet, clean, and safe, with adequate lighting and ventilation. The teleworker will not hold in-person business visits or meetings with professional colleagues, customers, or the public at the alternate worksite. In-person meetings with other college staff will not be permitted at the alternate work location unless approved in advance by the employee's supervisor. The college reserves the right to have a representative visit the alternate work site as long as 24 hour notice is provided. The teleworking employee agrees to adhere to any zoning regulations applicable to the designated alternate work site. The college is not responsible for any zoning violations resulting from establishment of the alternate work site.
- H. **Inspections.** In case of injury, theft, loss, or tort liability related to telework at the alternate work site, the teleworker must allow agents of the college to investigate and/or inspect the telework site.
- I. **Equipment.** Furniture and equipment, including computer workstations, shall generally be provided by the teleworker. In the event that equipment and software is provided by the college at the telework site, such equipment and software shall remain the property of the college and shall be used exclusively by the teleworker and only for the purposes of conducting college business. Software shall not be duplicated. In most situations, the college will provide a computer workstation on campus that the teleworker may access by remote desktop software. If the college provides equipment, the teleworker is responsible for safe transportation and set-up of such equipment unless the equipment is being specifically ordered for the teleworker and is being directly delivered to the off-campus work site. In addition, before removing any equipment from the college campus or receiving any equipment through direct delivery, the teleworker must properly identify equipment on the Telework Agreement form.
- J. **Equipment Liability.** The college will repair and maintain any equipment owned by the college. The teleworker is responsible for safely transporting such equipment to campus for repair, maintenance, and updates or installation of virus protections and security measures by the IT department unless movement of the equipment is likely to result in damage. Surge protectors or other protective devices must be used with any college computer made available to the teleworker. The college may pursue recovery from the teleworker for college property that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the teleworker's care, custody or control. The college does not assume liability for loss, damage, or wear of employee-owned equipment.
- K. **Data Security & Confidentiality.** Employees approved for telework are responsible for the security and confidentiality of information, documents, and records in their possession or used during teleworking. Restricted-access material should not be accessed or removed from the

worksite without written consent from the employee's supervisor. Employees approved for telework must apply appropriate safeguards to protect Allegany College of Maryland's confidential information from unauthorized disclosure or damage, and must comply with all privacy and security protocols, requirements and Technology Security and Resource policy implemented by Allegany College of Maryland.

- L. **Intellectual Property.** Products, documents, and records developed while teleworking are property of the college. The teleworker must have a method to safeguard the security of all institutional data, including, but not limited to, intellectual property, proprietary information, confidential personnel information, Family Educational Rights & Privacy Act (FERPA) protected student records, Health Insurance Portability & Accountability Act (HIPAA) protected health information, and attorney-client communications.
- M. **Record Retention.** Products, documents and records that are used, developed, or revised while teleworking shall be maintained or restored to the college's computerized record system.
- N. **Telework Expenses**
- **Office Supplies.** The college shall provide any necessary office supplies. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed unless pre-approved by the supervisor. All supplies should be secured in the telework site and must not be used by the teleworker or others for personal purposes.
 - **Business-related Expenses.** The college will reimburse the employee for certain business-related expenses such as shipping costs or postage, etc. that are reasonably incurred in accordance with job responsibilities, with prior approval from the employee's supervisor..
 - **Travel and Incidental Costs.** The teleworker will not be paid for time or mileage involved in travel between the telework-site and the primary worksite. Unless otherwise stated in the Telework Agreement, all incidental costs, such as residential utility costs, homeowner's insurance or cleaning services, are the responsibilities of the teleworker.
 - **Taxes.** Teleworkers should consult with a tax expert to determine the tax implications of a home office. The college will not provide guidance nor claim responsibility for any Federal or State tax liability.

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