

TELEWORKING

POLICY

PURPOSE: The following policy establishes a procedure for non-faculty employees to request telework arrangements to their supervisor.

Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of their position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. In practice, telework is a work arrangement that allows an employee to perform work, during any part of the employee's regular, paid duty hours, at an approved alternative worksite. It is intended as a management tool to provide employees with flexibility to balance the needs of their personal life with work responsibilities as well as maximize productivity of employees. In addition, telework may also help provide the following benefits:

- Attracting and retaining skilled workers
- Reducing risk of infectious disease transmission in the workplace
- Supporting continuity of operations, including during health and safety situations impacting agencies' workforces
- Reducing the need for office space and parking
- Minimizing impact to the environment

It is important to note that telework is not always allowable for every situation, particularly for employees with a front-facing reception/meet and greet role, direct support and customer service work, or a daily business component to their role. Telework practices will be heavily influenced by a College commitment to being a people-oriented, in-person and site-based enterprise that focuses on needs of all students first and foremost.

CONSIDERATIONS FOR TELEWORK REQUESTS

Approval of telework is at the sole discretion of the College and the College can allow and terminate a telework arrangement at will. If a teleworking employee is directed to return to their permanent work location, the College will make an effort to provide a two-week advance notice to the employee being recalled, but it reserves the right to implement a shorter or immediate return notice when necessary.

Telework is primarily intended to be used on an intermittent, situational basis in response to specific personal needs of individual employees. The College also has the right to allow or implement a recurring or extended telework schedule for individual employees or work teams in response to specific circumstances, including but not limited to campus and community conditions, personal employee needs, workload or project requirements, and labor market demands.

Individual employees may submit telework requests that respect the following guidelines:

- Requests should be submitted as far in advance as possible to allow time for supervisory review and preparation.

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- Telework arrangements must comply with all state and federal laws and College policies, procedures and processes. Failure to comply may result in the loss of telecommuting privileges and/or disciplinary action.
- The terms and conditions of employment, as specified in the applicable collective bargaining agreement/plan, do not change based on telework status.
- A teleworker remains responsible for all job duties, responsibilities and obligations of their position while teleworking, including salary, retirement benefits, and state-sponsored insurance coverage.
- Managers, supervisors and employees must follow the provisions of collective bargaining agreements and personnel plans when planning and implementing telecommuting.
- Telework arrangements must comply with State and Federal laws including the Fair Labor Standards Act (FLSA) regulating payment of overtime for exempt and non-exempt employees.
- Teleworking must not result in additional work for staff at the official work location.
- Teleworking must not hinder completion of critical business functions each day.
- Teleworkers will not receive any advantage or disadvantage for purposes of position upgrade and/or promotion as a result of teleworking.
- Employees must not engage in any work activities for a self-employed business or outside employment during their designated telework schedule.
- Teleworkers on an extended or recurring arrangement will participate in quarterly reviews with their supervisor to evaluate the effectiveness of the telework arrangement.
- The telework location may not be outside of the United States.
- Before approving any telework location outside of Minnesota, the College will consult with MMB payroll about potential employer obligations for state tax withholding and unemployment insurance. If such telework is approved, the employee must continue to follow the terms of this policy, as well as any procedures for reporting time worked outside of Minnesota.

ASSESSMENT CRITERIA

Supervisors will assess each employee request for telework on a situational, case-by-case basis. Factors to consider may include, but are not limited to:

- Nature and reason for the telework request
- Needs of the work unit and institution
- Context, nature and scope of an employee's work duties
- Adequate supervision of the employee
- Employee's current and past job performance
- Impact on customer service and meeting the needs of students
- Positive/negative effects on the work unit, co-workers, division or College as a whole
- Anticipated student activity on campus during the proposed telework period
- Availability of equipment and appropriate work space
- Possible additional cost
- Ability to assess and measure work productivity and performance
- Consistency with work arrangements for other related positions
- Quality and level of personal work skills, i.e., time management, organizational skills, self-motivation, and ability to work independently
- Additional parameters developed to address unique circumstances

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Seniority will not be a determining factor in situations with multiple employee requests for telework, but may be considered as part of the decision-making process when applicable.

History:

07.01.2021 – Proposed

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PROCEDURE

Employee requests for telework will be managed by the following process:

- The employee will submit a written or email request to their supervisor as soon as possible. Allowance will be made for unexpected circumstances that require immediate consideration, but the employee must communicate directly with their supervisor before engaging in any telework activity.
- The supervisor will review the request and recommend approval or denial to their Vice President/Supervisor for approval.
- Requests for recurring or extended telework will require advance review and approval by the College's Executive Committee.
- Approval or denial of the request will be communicated in writing or email to the employee by the supervisor, with a copy of any recurring or extended telework arrangements provided to Human Resources for the employee's personnel file.
- For extended or recurring telework arrangements, the supervisor and teleworker must review the telework arrangement on a quarterly basis at minimum.
- The supervisor and teleworker must review the telework arrangement if any of the following events occur:
 - A change in the teleworker's job duties
 - A change in the teleworker or supervisor positions
 - A change in any of the provisions documented in the initial telework arrangement
- All telework arrangements involving more than a short-term situational allowance must be documented in a signed Telework Schedule and Acknowledgment form.
- Recurring and extended telework arrangements must also be reviewed annually as part of the annual performance review process, and a new Telework Schedule and Acknowledgement form signed at that time, if the telework is to continue.

PERSONAL ACTIVITIES WHILE TELEWORKING

Telework work hours cannot be used to perform personal or non-work activities. Just as with regular on-campus work hours, teleworkers are required to follow vacation and sick leave policies and procedures to request time off from telework to engage in non-work activities. Employees may telework from home with a dependent present as long as the employee is not directly engaging in caregiving activities during work time and they can consistently perform their job duties as required within their normal work schedule, or by flexing their work schedule with advance approval by their supervisor and as allowed by contract.

WORK SCHEDULE

Prior to the start of an employee's telework arrangement, the supervisor and telecommuter shall determine the work schedule, including normal work hours, breaks and the use of any vacation and sick leave. The work schedule and hours of work shall be consistent with the requirements in the applicable collective bargaining agreement or plan and will focus on meeting the needs of students, work team and co-workers. The employee's work schedule shall not be defined solely by the employee's personal preference.

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Any changes to the work schedule due to flex time, overtime, or other situations must follow the applicable plan or bargaining agreement. Exempt employees must notify their supervisor when they will not be available due to flexing time.

Teleworkers are expected to attend all work-related meetings as scheduled using applicable technology. Meetings may be scheduled with short notice and the teleworker may be required to attend meetings on campus.

COMMUNICATIONS

During the hours of the telework schedule, teleworkers must be reachable by students, customers, co-workers, managers, supervisors, and College leadership by the means and methods determined by the supervisor. Teleworkers must notify assigned office staff and/or their supervisors if they leave their telework location during work hours, just as is required when working in their permanent/principal work location. Teleworkers must follow the normal procedures for requesting time off and they must notify the supervisor if they are not performing work during their scheduled work hours due to vacation or sick time.

EQUIPMENT AND SUPPLIES

- Unless explicitly authorized by the supervisor, the teleworker is responsible for supplies and expenses necessary to perform telework at the telework location, including but not limited to internet and telephone connection equipment and costs.
- The supervisor must notify the IT Department of any state equipment used by the telecommuter at the alternate work site. The notification must include the telecommuter's name, division or office and the equipment's description, serial number and state asset numbers.
- When employees use system-owned or state-owned equipment, the College is responsible for maintenance and repair of the equipment, along with any related costs.
- Teleworkers using personal equipment are responsible for maintenance/repair of the equipment.
- The teleworker is responsible for establishing and maintaining a safe and adequate telework location in the home. The teleworker will be responsible for all costs related to modifications of the telework location, including but not limited to remodeling or electrical modifications.
- In-person business meetings may not be held in the home telework location; meetings may be conducted via video conference, phone conference, or other applicable technology.
- Employees will be responsible for promptly notifying their supervisor of any equipment malfunction or failure of state-owned or employee-owned equipment. If the malfunction prevents the telecommuter from performing assigned tasks, the teleworker must notify the supervisor immediately and they may be assigned to perform a different task and/or be required report to an alternate location or to the official work location for completing work.
- Additional equipment may be purchased at the employer's discretion and expense, and installed at the teleworker's remote work location.
- Any insurance for state-owned equipment is the responsibility of the College. The College is not responsible for insuring the telework location. Teleworkers are responsible for purchasing personal insurance for employee-owned equipment and for the telework location, if desired. The agency is not responsible for any loss or damage to any employee-owned equipment.

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- Printing costs and supplies are the responsibility of the teleworker. If large volume printing is required for assigned duties, access to campus printing using Remote Desktop or - at the discretion of the college - a college-owned printer and supplies at the telework location can be provided.
- Teleworkers must return any state equipment, software, products, documents and data if they terminate their employment with the College, go on an extended leave of absence, or the telecommuting arrangement is terminated.

SECURITY

- Equipment, software, data, supplies and furniture provided by the College for use at the alternate work site are:
 - For purposes of conducting College business
 - Not to be used by non-college employees
 - Not to be used for personal purposes
 - The College owns any software products, documents, reports or data created as a result of work-related activities.
- Teleworkers will return state-owned hardware, software, supplies, equipment and documents and other information and property to the College prior to termination of telecommuting or employment or upon the request of the College.

PRIVACY AND DATA SECURITY

Teleworkers must make arrangements with their supervisor regarding any necessary access to confidential or sensitive information while working at a telework location. Teleworkers are responsible for protecting the privacy and confidentiality of data and information at their telework location, which includes compliance with enterprise security policies. Teleworkers must ensure the security of all data.

- Data Practices Act. Teleworkers must follow all applicable provisions of the Minnesota Government Data Practices Act (MGDPA) and any other applicable laws, and college data privacy policies must be followed when performing work at home and/or at an alternate work location. The telecommuter and supervisor should discuss the type and form of data which will be taken to and from the alternate work location and agree on the security and transfer process necessary to meet the needs of their assignment.
- Security. Teleworkers must provide reasonable security for the data and information that is transported to and from their office site. Simple measures such as removing documents and/or data that contain sensitive data from desk areas and placing them in secure storage may prevent a major and, potentially costly, security breach or loss of information.
- Privacy and Confidentiality. Teleworkers needing restricted access information while working at alternate work locations will discuss the need with their supervisor before taking such information off-site. The teleworker is responsible for protecting the privacy and confidentiality of data at alternate work locations the same as they would be in the assigned office.
- Data Requests and Retention. Data created and maintained during a telework arrangement generated for the purpose of conducting state business is subject to the MGDPA and the college's records management statute, regardless of whether the telework is performed using state-owned or employee-owned equipment. This means the teleworker is responsible for following proper

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retention and disposal procedures, such data remains the property of the state, and the teleworker must return all such data to the state upon request of the agency or upon the teleworker's separation from employment.

LIABILITY

- Employees must designate a primary telework location, subject to the approval of the supervisor.
- The teleworker is responsible for taking appropriate steps to minimize damage to state-owned property at the telework location. Prior to the employee beginning to telecommute, the College may perform an ergonomic and safety evaluation of the employee's remote work station.
- An employee is covered by Minnesota Workers' Compensation laws while in telecommuting status. Any injury that occurs within the course and scope of employment must be reported according to state and federal reporting requirements. For the purposes of Workers' Compensation, the employee's designated alternate work site is considered an extension of a state work site, only during scheduled telecommuting working hours.
- The teleworker's designated alternate work space is considered an extension of the state agency during the agreed upon work hours and the telecommuter is subject to the same standards of conduct and work place rules required of non-telecommuting employees.
- Ridgewater College does not assume responsibility for third party injuries or property damage that may occur at the home residence or within the designated alternative workspace.
- The College is not responsible for third-party injury or property damage that occurs at the alternate work site.
- The College is responsible for insuring state equipment.
- Telecommuters must take steps to minimize damage or theft of state equipment at the alternate work site.
- The College is not liable for any damage or theft of employee-owned equipment.

PERFORMANCE MEASURES AND REPORTABILITY

- The teleworker's performance will be measured by objectives and results and will not differ from what is expected of individuals who report to work at their permanent work location.
- Poor productivity or other related performance issues may lead to termination of a telework agreement.

EXPENSES

- Supplies needed for remote workspace should be obtained through the normal supply procurement procedures.
- The College will provide the employee with one office computer/workstation for use at their permanent work location and/or in their home setting.
- Prior approval must be obtained from the supervisor for expenses that will be incurred. Approved expenses will be reimbursed in accordance with existing Minnesota State system and College policies.
- Teleworkers and supervisors must comply with state policies regarding long distance costs and reimbursements. They must determine the most cost-effective means for meeting telephone requirements.

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- Supervisors must designate the teleworker's primary campus work location for travel expense reimbursement purposes. This must be documented in the teleworking agreement.

LOCATION AND TRAVEL

Normal commute time between a telework location and the permanent/principal work location is not work time. If occurring during the teleworker's normally scheduled work hours, travel time between the telework location and the permanent/principal work location is considered work time. For example, if a teleworker begins work at the telework location at 8 a.m., and then travels to the permanent/principal work location beginning at 10 a.m. for work-related purposes, travel time would be considered work time. Travel home from the permanent/principal work location is not work time, unless the teleworker continues to perform work activity from the telework location after returning from the permanent/principal work location. Mileage between the telework location and the permanent/principal work location shall be considered commuting mileage and is not subject to reimbursement.

If the teleworker is working at an alternative work site (a location other than the telework location or the permanent/principal work location), the mileage from the alternative work site to the permanent/principal work location shall be reimbursable in accordance with the employee's collective bargaining agreement or compensation plan. Any travel to the alternative work site is considered work time if it occurs during the teleworker's normal work hours.

WEATHER OR OTHER EMERGENCIES

A teleworker who is scheduled to be working at home on a day that is declared to be a weather or other natural or human-made emergency is expected to work at home as scheduled.

TAXES

Federal and state tax implications of telecommuting and use of a home office are the responsibility of the teleworker.

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