



8.112 SHRA AND EHRA NON-FACULTY TELEWORKING POLICY AND PROCEDURES

Authority:	Chancellor
History:	Revised August 24, 2020; Effective date: January 1, 2007
Source of Authority:	State Human Resources Manual (Teleworking Program)
Related Links:	Teleworking and Flexible Work Schedule Agreement Form ; ITS Support Addendum
Responsible Office:	Human Resources

I. Purpose

- A. The purpose of this teleworking policy is to establish standards for allowing Covered Employees to work at alternate work locations (other than the central workplace), including the employee’s home, for all or part of the work week schedule, where the mutually agreed upon work week schedule would still meet the same business needs, interests, and/or mission of the university as though the work was being performed in the central workplace. This policy will ensure that employees and work resources are being used efficiently and productively.
- B. Teleworking arrangements are not a right or entitlement of employment – they are subject to business and operational needs and granted at the discretion of the University. Throughout this policy, the use of the word “teleworking” is intended to be synonymous with the word “telecommuting.” Teleworking is the term utilized by the NC Office of State Human Resources, State Human Resources Commission.
- C. Providing options for teleworking can improve productivity and job performance as well as promote administrative efficiencies (*e.g.*, reducing office and parking needs), meet environmental and budgetary challenges as directed by the legislature or governor, reduce traffic congestion and transportation costs, support continuity of operations plans (COOPs), and provide competitive employer advantage to sustain the recruitment and retention of a highly qualified workforce.

II. Definitions

- **Alternate Work Location:** a worksite other than a central workplace, including employees’ homes and satellite offices, where official State business is performed.
- **Central Workplace:** an employee’s assigned place of work or duty station owned or operated by the State or a site that is the primary workstation for field-based employees. Typically, a central workplace is a duty station from which an employer along with employees in the same work unit perform the functions of their job. However, an employee’s home, in instances in which it is the primary workstation for field-based employees, may be considered the central

workplace.

- **Telework/Teleworking:** a flexible work arrangement in which supervisors direct or permit employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at an alternate work location for a limited duration.
- **Teleworker:** an employee engaged in teleworking.
- **Teleworking assignment:** means working from an alternative work location one or more full days per week on a regular basis.
- **Teleworking Agreement:** a signed, written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.
- **Work Schedule:** The employee's hours of work in the central workplace and/or hours of work in an alternate work location(s) as outlined in the teleworking agreement.

III. Scope

- A. Covered employees include all full-time and part-time non-faculty EHRA and SHRA employees in permanent, probationary, temporary or time-limited status. However, not all positions and/or employees will be eligible for teleworking consideration and no employee has the right to telework.
- B. Faculty and professional research staff are not covered under this policy and should consult with the appropriate chairperson or dean and/or refer to the Faculty Handbook for applicable policies.
- C. The policy does not apply to requests for, or management of, workplace disability accommodation(s) under the Americans with Disabilities Act or under any other applicable federal, state or local laws or regulations. Employees seeking disability accommodation(s) should contact the ADA Coordinator in Human Resources.
- D. Telework is not intended to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave or other types of leave. Teleworking agreements should not be used for purposes of avoiding taking leave or time off from work. Teleworking agreements should not be used for incidental or brief time periods that are best managed through the use of leave or other arrangements as agreed upon between the supervisor and teleworker.
- E. A teleworking assignment is not a substitute for regular or incidental child or dependent care and the teleworker is expected to be free of other personal responsibilities while performing teleworking duties. The teleworker shall continue to arrange for child or dependent care to the same extent as if the teleworker was working at the central workplace or use leave/flexible work scheduling for child or dependent care where possible. The teleworker should avoid non-work-related activities that would conflict or distract from performing their duties and responsibilities during teleworking hours.

IV. Policy

- A. Teleworking assignments are made at the sole discretion of the university. Therefore, the designation of a position(s) or employee(s) for teleworking or the termination of a teleworking agreement is neither grievable nor appealable under UNCW SHRA Grievance Policy <https://uncw.edu/policies/documents/08520spagrievance.pdf> or the EHRA Review and Appeal Policies https://uncw.edu/policies/documents/08_521_epa_reviewandappeal.revsept2009.pdf. All other applicable grievance rights apply if they are in accordance with the appropriate grievance procedures for the particular category of employee.
- B. The university may consider factors such as knowledge of job duties, reliability, ability to use required technology, suitability of the job tasks, ability to monitor and review work, amount of in-office reference material required, and need for physical security of data when making decisions about teleworking.
- C. In general, the acceptance of a teleworking assignment is voluntary on the part of the employee. However, there may be instances when a supervisor may designate a position for all or part of the work schedule as a teleworking position, in accordance with Section V.B.
- D. As a condition of employment, the work schedule of a teleworker may require periodic travel to and from the duty station (*i.e.*, the Central Workplace) and the alternate work location. The purpose of this travel may include, but is not limited to, meeting attendance, purchase receiving, distribution of supplies or documents, event attendance and/or other requests from the supervisor related to business needs. No reimbursement shall be made for transportation when commuting from an employee's alternate work location to the Central Workplace.
- E. Teleworking agreements between UNCW and the employee will outline the specifics of a teleworking assignment and work schedule. Teleworking does not reduce the expectations for adhering to work schedules, productivity and/or performance requirements of the position. Teleworkers are expected to meet and perform all duties and responsibilities of a given position. The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees, including but not limited to conduct or performance management. All salary, benefits, and employer-sponsored insurance coverages remain unchanged as a result of teleworking.
- F. Teleworking agreements are typically set for one year and may be renewed as approved by the supervisor and designated division approver. A teleworking agreement may be terminated at any time for any reason. Should a teleworking agreement be terminated, the employee will be provided with at least a ten-business day notification period to prepare for return to the central workplace.
- G. Campus office space shortages may affect the timing of reassignment back to the central workplace following the termination of a teleworking agreement. UNCW's policy is to provide office space for teleworkers who desire to return to a campus-based office as a priority. However, it is conceivable that lack of enough space on campus could result in certain individuals being required to continue teleworking.

H. Employees not subject to the overtime provisions of the Fair Labor Standards Act (salaried/exempt) and not covered by a current teleworking agreement may choose to accomplish part of their job duties at home or other off-campus sites. Such examples include, but are not limited to, checking email, reading work related documents, and returning phone calls. These choices are not considered teleworking because the university provides office space and equipment for such duties to be performed on campus and telework agreements are not applicable in such instances.

V. Procedures

- A. **Employee Initiated**: A covered employee can request consideration for a teleworking assignment by submitting a completed Teleworking and Flexible Work Schedule Agreement Form to their supervisor.
- B. **Supervisor Initiated**: A supervisor can designate a position for all or part of the work schedule as a teleworking position in consultation with Human Resources and with designated division approval, following established processes for a job description update to include the telework schedule as a condition of employment.
- C. **Supervisor & Designated Division Approver**: The supervisor reviews and considers the covered employee's request, business and operational needs of the unit, the feasibility of whether the job duties of the position can be performed at an alternate work location, and whether the requesting employee can perform the job duties at an alternative work location. The covered employee's supervisor, together with the designated division approver or designee, have the authority to approve the teleworking request, and will notify the employee accordingly of the decision.
- D. **Work Location Outside of North Carolina**: No full-time teleworking assignments from a work location outside of North Carolina may commence in advance of approval by the designated division approver in consultation with Payroll. The designated division approver must provide timely, advance, written notification to Payroll to ensure compliance with tax and other regulations for covered employees whose residence is outside of North Carolina. No teleworking agreements will be approved for locations outside of the United States.
- E. **Human Resources**: Human Resources codes teleworking agreements into the University ERP system for tracking purposes and will provide necessary annual reporting on teleworkers in accordance with requirements from the NC Office of State Human Resources. The signed Teleworking and Flexible Work Schedule Agreement Form will be maintained electronically in the employee's personnel file.
- F. **Supervisor Review**. The supervisor will review the teleworking agreement no later than three months after the commencement of the agreement to ensure the arrangements agreed upon continue to meet the business and operational needs of the unit and continue to align with performance expectations and outcomes outlined for assigned duties and responsibilities.

- G. **Continuation**: If the supervisor continues the teleworking agreement, it will be evaluated at least annually thereafter (or sooner as deemed necessary and appropriate by supervisor) and is otherwise subject to the same standards of continued approval set forth herein.
- H. **Discontinuation**: If the supervisor discontinues the teleworking agreement, the supervisor should provide the teleworker with appropriate notice of at least ten-business days as applicable.

VI. Special Circumstances

- A. In the event of a catastrophic weather event, an outbreak of a communicable disease or pandemic, or other such significant emergencies, teleworking may be implemented by the chancellor or designee on a widespread basis. In such cases, employees may be required to work from alternate work locations in order to ensure the continuity of the business and operational needs of the university. [See [UNCW policy 08.221 Adverse Weather and Emergency Event Policy](#), [UNCW policy 05.331 Communicable Disease Policy](#), [UNC System Pandemic and Communicable Disease Policy](#), [Office of State Human Resources Communicable Disease Emergency Policy](#).]
- B. The chancellor or chancellor's designee has authority to determine whether special circumstances exist and implement teleworking on a required and/or more widespread basis. The decision will be communicated to those impacted.
- C. Mandatory employees will be designated accordingly by management during a special circumstance, notified of their status and be provided with information necessary to accomplish their tasks. This designation is subject to change at the discretion of management. Employees under this designation will be identified by management for areas as deemed essential to sustain university operations under a special circumstance and may be expected to report in part or in whole to the central workplace.
- D. The duration of a special circumstance may be longer than 30 days and the university will set the requirements for renewal decisions about continuation of required telework on a case-by-case basis given the nature of the special circumstance. The reason for such a stipulation is to give both the university and impacted employees a reasonable expectation of the temporary nature of this provision and need for flexibility on setting duration.
- E. While the implementation of teleworking under special circumstances does not always require teleworking agreements, the university or individual managers/supervisors may require teleworking agreements or other documentation in order to confirm agreed upon work expectations during a special circumstance. Any procedures established during special circumstances will supersede the procedures in Section V.