

TELECOMMUTING POLICY AND PROCEDURE

Purpose:

The intent of this policy is to provide procedural guidance to both employees, their manager or supervisors', and authorized direct report of the president, when a voluntary telecommuting or remote work arrangement is requested.

Definition(s):

Telecommuting: (also known as working from home, or e-commuting, or remote work, and used interchangeably in this document) is a work arrangement in which the employee works outside the office, often working from home or a similar location close to home, rather than physically traveling to a central workplace, i.e. the main MSSU campus.

General Policy:

This policy will allow employees to work at home for all or part of their workweek. The University considers remote work to be a viable, flexible work option when it determines that both the employee and the job are suited to such an arrangement. Specifically, only classified hourly staff, professional exempt staff, and non-teaching faculty and administrators are eligible for remote working when remote work is fully approved under this policy. Telecommuting may be appropriate for some employees and jobs but not for others, even if in one of the classes mentioned above. Telecommuting is not an entitlement, it is not a company-wide benefit, and it in no way changes the terms and conditions of employment with the University. The University has the right to refuse to make remote work available to an employee, and to terminate a remote work arrangement at any time. Remote workers should be good planners, self-motivated, strong communicators, able to manage their workload effectively, aware of their personal work style preferences, flexible, committed and responsible, willing to ask for feedback, able to work independently with minimal supervision, able to work without continual input and support from others, comfortable working and being alone, possess time management skills, proven producers of quality work, and able to focus on priorities and meet deadlines.

Eligibility:

Individuals requesting formal remote work arrangements must have a satisfactory performance record, as evidenced in yearly performance evaluations, attendance, and other performance measures as is determined by the University in its sole discretion. Before entering into any remote work agreement, the employee and their manager or supervisor, with the assistance of the Office of Human Resources, and receiving the final approval from the authorized direct report of the president, will evaluate the suitability of such an arrangement, reviewing the following areas on a Telecommuting Request:

- Employee suitability. The employee and manager or supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful remote work, as noted above. That manager or supervisor will request approval from the authorized direct report of the president.
- Job responsibilities. The employee and their manager or supervisor will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and their manager or supervisor will review the physical workspace needs and the appropriate location for the remote work.

- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in the area rests solely with the employee.

If the employee and their manager or supervisor agree, and the authorized direct report of the president approve, then the employee will be eligible to enter into a Remote Work Agreement. Once the Telecommuting Agreement has been signed by all required parties, the employee will be given a copy of the signed "Agreement", along with the Telecommuting FAQ document, and initialing the separate Acknowledgement of Telecommuting Policy Provisions document.

As part of the eligibility process, the employee and supervisor will agree on the number of days telecommuting is allowed each week, the length of duration of the telecommuting arrangement, the work schedule the employee will customarily maintain, and the manner and frequency of communication. The employee agrees to be accessible by phone, video call, email, and chat within a reasonable time period during the agreed upon work schedule. The University retains the right to modify, at its discretion, the number of days of remote work allowed, the employee's work schedule and the manner and frequency of communication.

Application Procedure:

A telecommuting arrangement must first be applied for via the Telecommuting Application located on the Human Resources SharePoint site:

<https://mssuedu52399.sharepoint.com/sites/humanresources/shared%20documents/forms/allitems.aspx>.

Once approved by all parties (manager or supervisor, and the authorized direct report of the president,) a remote work arrangement can move forward. A copy of the Telecommuting Request, the Telecommuting Agreement and any associated documents will be kept on file in the employee's personnel file.

Hours of Remote Work and Availability

- Remote workers shall work normally scheduled hours.
- During normally scheduled hours, remote workers must communicate any unavailability to their manager or supervisor.
- During normally scheduled hours, unavailable time must be approved by the remote workers' manager or supervisor and reflected on the workers' time sheet or leave report.
- University leave policies will apply equally to remote workers including reporting of illness.
- During normally scheduled hours, the remote worker must keep his/her availability on his/her personal email calendar up to date with "out of office" events to indicate any work-related unavailability.
- Effective communication is essential for this work arrangement to be successful. The employee will be available by phone, email, or other electronic methods (i.e. instant messaging, Microsoft Teams, etc.), during scheduled telecommuting work hours. Teleconferencing is a reliable means of communication and may substitute for actual attendance at some meetings.
- Remote working employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the University's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the employee's supervisor. Failure to

comply with this requirement may result in the immediate termination of the remote work agreement, discipline and/or termination of employment.

- Should the University encounter an unexpected closure, i.e. weather-related event, the remote worker may not choose to work at the remote location/site and receive pay for work at the site unless supervisor's written approval is received in advance, or prior to any work performed at the home workplace.
- Remote work is not designed to last beyond a six-month period. The remote work agreement will need to be reassessed and reviewed by the employees' manager or supervisor if an additional 6-month extension is being requested by the employee. After receiving the final approval from the authorized direct report of the president, the agreement will be reinstated.
- Telework under this policy is not considered an accommodation under an ADA/AACJAA accommodation request. Those requests are independent of this policy unless expressly designated under the accommodation application and approval process. Please see the Human Resources SharePoint site for additional accommodation information.

Remote Access

- Remote access will be made available via VPN, and set up by an IT ticket, upon approval for remote work.
- The employee must provide his/her own internet connection. The employee will be solely responsible for purchasing any hardware or software required for the internet connection. The employee shall also be solely responsible for cost of installation and associated monthly fees. Any connectivity problems constitute grounds for canceling this remote work arrangement and do not excuse unavailability or delinquent work.

Equipment:

On a case-by-case basis, the University will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs for each remote work arrangement. The Office of the Information Technology department, will serve as resources in this matter. Providing equipment may require advanced notice to order equipment of at least three weeks, sometimes longer. Equipment supplied by the University will be maintained by the University. University supplied equipment needing troubleshooting/repair that cannot be accomplished with remote assistance tools is to be returned to campus. Equipment supplied by the employee, if deemed appropriate by the University, will be maintained by the employee. The University accepts no responsibility for damage or repairs to employee-owned equipment. The University reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the University is to be used for business purposes only. The remote worker must sign an inventory of all University property received and agree to take appropriate action to protect the items from damage or theft. The employee agrees to report to their manager or supervisor any instances of loss, damage, or unauthorized access at the earliest reasonable opportunity. The employee may secure all needed office supplies such as paper, toner for University supplied printers, folders/files, and other small office supplies, as needed from the department's office supply inventory. Upon termination of employment, all University property will be returned to the University, unless other arrangements have been made. The University reserves the right to make determinations as to equipment needed or the adequacy of the equipment, subject to change at any time.

Work related telephone calls for conducting university business while remote working is at the expense of the employee unless the employee has been approved for a stipend under the university's Cell Phone Policy. See the Employee Handbook for details of this policy. It is

recommended a land-line be available in an emergency situation where a cell phone or other communication devices are unavailable or not working.

Security:

Consistent with the University's expectations of information security for employees working at the office, remote working employees will be expected to ensure the protection of proprietary university and employee information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. Employee may be asked to provide proof of a secure work site at any time by the CISO (Chief Information Security Officer) or the HIPAA Privacy Officer. If a security breach has occurred at a remote work site the employee is required to report such breach immediately to the Human Resources and Information Technology Offices. Employee is responsible for keeping files password protected and away from any other individuals who may reside in the remote site or otherwise may have access to MSSU data.

Ongoing Remote Worker Responsibilities

1. Remote worker is responsible for proper ergonomics of the equipment being used.
2. Remote worker is responsible for working in an environment with minimal background noise to receive phone and video calls.
3. Remote worker is responsible for saving all work-related files back to the University network or University approved cloud services at the end of the day or as soon as is practical.

Other Remote Work Provisions and Conditions

1. There may be times where the remote worker must appear in person at the office for meetings, events or other activities.
2. There may be occasions when remote work is suspended for a given period of time because of unexpected events, emergencies, business need or other reason.
3. The employee will establish and maintain an appropriate work environment within their home for work purposes. The University will not be responsible for costs associated with initial setup of the employee's home office such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.
4. The University assumes no responsibility for injuries occurring in the employee's at-home workspace outside the agreed-upon work hours or for activities beyond the course and scope of employment. The employee agrees to hold the University harmless for injury to others at the alternate work site. The employee agrees to maintain safe conditions in the at-home workspace, including proper ergonomics, or if outside the employee's at-home workspace, or University facilities at any time, and to practice the same safety habits as those followed on University premises. Remote work employees are responsible for notifying their supervisor of any workplace injuries immediately.
5. The employee understands that his/her personal vehicle will not be used for University business unless specifically authorized by the supervisor. However, the employee may use his/her personal vehicle for travel to and from the University, when required to do so by the University.
6. The employee understands that he/she is responsible for tax consequences, if any, of this arrangement (i.e. to be discussed with your tax advisor - your responsibility). An example of a tax consequence would be, if the employee is working/living in a different state than the employer's primary site, the payroll taxes of the state the employee is working in, is the state taxes will be based upon.

7. The employee's manager or supervisor must agree on the number of days of remote work allowed each week. The work schedule of the employee will customarily maintain, the manner and frequency of communication. The employee agrees to be accessible by phone, video call, email, and chat within a reasonable time period during the agreed upon work schedule.
8. The evaluation of the remote worker's performance throughout his/her employment relationship with the University, may include periodic interaction by phone and e-mail between the employee and the manager or supervisor, and periodic face-to-face meetings to discuss work progress and problems. The remote worker will be subject to scheduled performance review in the same manner and frequency as other University employees.
9. Telework is not designed to be a replacement for appropriate child/eldercare. Although an individual employee's schedule may be modified to accommodate child/eldercare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective remote workers are encouraged to discuss expectations of remote work with family members. The employee should not undertake other activities such as, but not limited to, providing primary care for a young child or an ill or disabled adult, performing volunteer work or participating in another business venture during at home working hours.
10. Applicable policies to apply for FMLA or leave under the FFRCA are available on the Human Resources SharePoint site:
<https://mssuedu52399.sharepoint.com/sites/Humanresources/SitePages/Home.aspx>
11. All rules and regulations under said policies would apply for paid and unpaid leave for child care, elder care, employee's own health concern or for an eligible family member.
12. The availability of Telework can be discontinued at any time at the discretion of the University. The University will attempt to provide reasonable notice of such a change. There may be instances, however, where less or no notice is practicable, desired or possible. In addition, the University retains the right to terminate or modify this policy or a particular remote working arrangement on a temporary or permanent basis in its sole discretion.
13. The employee must return University equipment, records, and materials within three (3) days of the termination of the Remote Work Agreement and/or termination of employment. Furthermore, all University equipment will be returned to the University by the employee for inspection, repair, replacement, or repossession within three (3) days of written notice.

Ad Hoc Arrangements:

Temporary remote work arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal remote work arrangements are made on a case-by-case basis, focusing first on the business needs of the University.

Employee

Date

Manager or Supervisor

Date

Chief Human Resource Officer

Date Received