

Policy Number/Title: 4.4.210 Telecommuting
Effective Since: 11/01/2022
Last Revision Approved: 10/16/2025
Responsible Office: Human Resources

1. Scope:

Purpose

Section 8-11-15(B) of the South Carolina Code of Laws says that state agencies “may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings.” Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for Winthrop and the taxpayers.

Winthrop University’s Telecommuting Policy provides for a telecommuting program and the rules and guidelines under which it will operate. The policy is designed to assist supervisors and employees understand the telecommuting environment and provide a general framework for telecommuters. It does not attempt to address the special conditions and needs of all employees.

Authority

Winthrop’s President has the authority to establish a telecommuting program within Winthrop University, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting and Remote Work Policies and Procedures established by the South Carolina Department of Administration’s (Admin) Division of State Human Resources (DSHR). The President or his designee has the ability to set the work schedule and work location for Winthrop employees subject to the requirements set forth in the South Carolina State Government Telecommuting and Remote Work Policies and Procedures regardless of whether an employee telecommutes or not.

Requests for exception to the Telecommuting Policy must be submitted to Winthrop’s Office of Human Resources by the divisional vice president or the highest-ranking official in the division. The Office of Human Resources will review the request with the President and upon his approval the request will be submitted to DSHR for approval and submission to the Governor or his designee for final consideration. **Exceptions will be approved on a very limited basis.** A justification must include the specific negative effects that not



allowing the employee to telecommute would have on Winthrop. Typically, requests based on the potential for employee turnover will not be approved.

To allow regular telecommuting for any employees, a telecommuting policy and plan must be approved by DSHR prior to allowing telecommuting. DSHR reserves the right to revoke the approval of a telecommuting plan for any agency found out of compliance with its approved telecommuting plan or if telecommuting is found to be adversely affecting the quantity or quality of work at the agency. If this occurs, employees within the agency will not be permitted to continue regular telecommuting arrangements.

2. Definitions:

Telecommuting/Teleworking: a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with telecommuting agreements. Work from home on days when the office is closed due to hazardous weather OR field work where employees work at client or customer locations throughout the workday except for incidental and de minimis times where the employee needs to work from home or an alternate work location does not constitute telecommuting. Three main categories of telecommuting exist:

- Planned, recurring telecommuting that happens every week or on unless operational needs change. For example, an employee that telecommutes every Tuesday unless a project, meeting or workload requires an in-office presence. This level of telecommuting requires a formal agreement between the employee and the agency, and the time telecommuting must be tracked in the employee's timesheet or leave report. Regular Telecommuting is limited to no more than two days per week. Telecommuting for more than two days per week may only be permitted if recommended by DSHR and approved by the Governor or the Governor's designee. An employee is not permitted to telecommute on: (1) both Monday and Tuesday; (2) Thursday and Friday; or (3) Friday and the following Monday as part of a regular telecommuting arrangement.
- Periodic, intermittent, telecommuting arrangements such as when an employee is assigned a project with a short timeframe (generally, no more than five days within a six-month period) or one that requires uninterrupted time to complete. This level of telecommuting does not require the formal agreement or checklist process. While it is not required that employees in these arrangements sign a telecommuting agreement, supervisors must document the approval of the periodic, intermittent



telecommuting arrangement in writing with the employee. These telecommuting arrangements must be reported to the Office of Human Resources.

- Temporary or emergency telecommuting may be used during short-term illness or other similar unplanned emergent events. This level of telecommuting does not require a formal agreement or checklist process. These arrangements require a verbal agreement between the employee and the agency. These arrangements should be limited to the duration of the short-term illness or other similar unplanned emergency event. These telecommuting arrangements must be reported to the Office of Human Resources.

Primary Workplace: The telecommuter's usual and customary workplace. For employees who primarily work in the field, or who are full-time telecommuters, the primary work location should still be Winthrop University.

Alternate Workplace: A workplace other than the employee's usual and customary workplace (primary workplace) and may include the employee's home. The alternate workplace is not an on-campus office.

Field Work: Where an employee works at client or customer locations throughout the workday except for incidental and de minimis times when the employee needs to work from home or an alternate work location does not constitute telecommuting. Employees would be field workers only on days they are performing work at other locations (ex. student recruiting, meetings with potential donors, or related events). On days when these events occur they would be considered field workers. On days they are working completely at home they would be telecommuting and employees whose position requires field work will be required to submit the Telecommuting Application and Agreement to the Office of Human Resources for approval. If the number of days employees whose position requires field work telecommutes from home is two days or less then no exception request to the Governor is required. If, however, the employees routinely work more than two full days from home, Winthrop is required to submit an exception request to the Governor.

Telecommuting Application and Agreement: The document used by supervisors and employees to evaluate the employee's ability to successfully telecommute, and the signed document that outlines the understanding between the agency and the employee regarding the telecommuting arrangement. A telecommuting agreement should be renewed at least annually. The telecommuting agreement should be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the telecommuting agreement change. Telecommuting agreements are not transferable from one position to another.



Telecommuter or Teleworker: An employee who has an agreed-upon schedule during which they are expected to work at an alternate workplace rather than the employee's primary workplace

Telecommuting Coordinator: The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program.

Child Care and Dependent Care: Telecommuting workers may have household members or others who depend on them for care. Telecommuters with these obligations must have adequate care arrangements that do not interfere with their job responsibilities.

Telecommuting is not a substitute for childcare, dependent care or other personal responsibilities. Telecommuters are required to use accrued leave, when necessary, to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

3. Policy:

Telecommuting is a management option and not a universal employee benefit.

Telecommuting may not be suitable for all employees and/or positions. **The decision to allow an employee to telecommute is solely at the discretion of the President.**

Winthrop may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the ability to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.

Generally, an employee's participation in the telecommuting program is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the President or his designee. The President may, however, designate a position as telecommuting only, if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. In this case, telecommuting would not be voluntary.

The Telecommuting Policy applies to staff employees in FTE, Grant FTE, and Time-Limited FTE positions. Faculty and adjunct faculty are exempt from the Telecommuting Policy

Temporary employees may be approved for telecommuting on a very limited case-by-case basis. Prior to allowing a temporary employee to telecommute, supervisors should verify eligibility with Human Resources. If allowed, temporary employees must meet all eligibility requirements, including 12 months of continuous employment in the past 13 months, be in



good standing with the university, complete and submit the Telecommuting Application and Agreement, and adhere to the reporting requirements as outlined.

Winthrop staff whose positions include student-facing job duties including regular, direct interaction with students will not be approved for telecommuting. Winthrop is a residential campus and values the positive effects associated with in-person, face-to-face communication.

The President and his Executive Staff are not permitted to telecommute. This includes Cabinet members and anyone else who reports directly to the President.

To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with the Winthrop. This requirement may be waived if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee.

Employees subject to a warning period of substandard performance or performance improvement plan or those who were recently subject to disciplinary action are not eligible for telecommuting.

Conditions of Employment

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the on-campus primary workplace. The telecommuter's supervisor may, however, assign additional duties related to communication, work progress and productivity. The employee will continue to comply with federal and state law, and agency policies and procedures while working at an alternate workplace. The employee shall remain subject to all agency disciplinary policies and procedures while performing work at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.

Work Hours

Work hours and location are specified as part of the telecommuting agreement. The employee must be accessible during the specified work hours. Winthrop and the employee agree that, at the President's discretion, the employee may perform assigned work for the Winthrop at a location other than the Winthrop's on-site office as a "telecommuter."

Telecommuters are expected to be working and focused on the performance of their job duties during all work hours. All personal activities, including child and dependent care, pet care, housework, yardwork, personal errands, etc., should be done only during established break times, lunch time and before and after work hours. Telecommuters are required to use accrued leave when necessary, to provide dependent care or when addressing other



personal responsibilities. This includes time spent caring for an ill household member or other person.

Working hours cannot coincide or overlap with any other type of employment.

Pay and Attendance

The employee's salary and benefits remain the same as if the employee were working at the primary workplace. If the employee works less than the employee's normal workweek, salary and benefits must be adjusted accordingly.

Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.

An employee will be compensated for all pay, leave, and overtime (for non-exempt employees) as if all duties were being performed at the employee's primary workplace.

Advancement

Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit.

Leave and Overtime

Requests to work overtime and use sick, annual or any other leave must be approved by the agency in the same manner as when working at the primary workplace. **An employee shall not work overtime unless authorized in advance by the supervisor or as otherwise authorized by the Winthrop's overtime policy.** Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours. The employee agrees that telecommuting is not to be viewed as a substitute for dependent care. Telecommuters with dependent care requirements, must make arrangements for someone else to provide dependent care services during the agreed upon work hours. Telecommuters are expected to follow Winthrop's leave policies and procedures to request time off from telecommuting to engage in non-work activities.

Office and Telecommuting Location

The employee will work at the primary workplace or the approved alternate workplace, and not from another unapproved site. Failure to comply with this provision may result in termination of the agreement, and other appropriate disciplinary action. The supervisor and the employee will establish agreed upon expectations relative to the time the employee would need to spend in the primary workplace and to give adequate notice when these expectations are subject to change, when possible. **Regardless of the**



telecommuting arrangement, an employee can be required to report to the office location at any time.

Generally, the alternate workplace should be in South Carolina (or in the greater Charlotte, North Carolina area). If an agency deems it necessary to allow an employee to designate an alternate workplace outside of South Carolina, tax, workers' compensation and other implications of having employees perform work in another state will apply. Employee requests to designate an alternate work location outside of South Carolina (or in the greater Charlotte, North Carolina area) may be denied. Under no circumstances may an employee conduct work from a location outside of the state of South Carolina (or in the greater Charlotte, North Carolina area) unless specific approval is received from the supervisor, the divisional vice president, the Office of Human Resources and the President. No work may be performed at a location outside of the United States. Incidental work (ex. reviewing and responding to email) during work-related or personal travel is not telecommuting.

If the alternate workplace is in the employee's home, the employee is responsible for reviewing their home or rental insurance to ensure there is no prohibition against a home office and any relevant zoning requirements to ensure a home office is permitted.

Workspace Safety

The employee agrees to designate a separate workspace in the alternate workplace for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and Winthrop's equipment. To ensure the safety of the workspace, the employee agrees to acknowledge appropriate workplace safety requirements on the Telecommuting Application and Agreement which will certify the employee's alternate workplace complies with health and safety requirements. The employee must submit the Telecommuting Application and Agreement to the agency before he or she may begin telecommuting. The employee agrees that Winthrop shall have reasonable access to the alternate workplace for the purposes of inspection of the site and retrieval of state-owned property. An employee understands that he or she will be liable for injuries or damages to the person or property of third parties or any members of the employee's family in the alternate workplace if it is in the employee's home. The employee agrees to consult with Winthrop before moving any heavy equipment or furniture in the alternate workplace.

Workers' Compensation

The alternate workplace is considered an extension of the employee's primary workplace; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the alternate workplace during approved telecommuting hours. Any



work-related injuries must be reported to the employee's supervisor immediately. The employee understands that he remains liable for injuries or damage to the person or property of third parties or members of his family on the premises and agrees to indemnify and hold the agency harmless from any and all claims for losses, costs, or expenses asserted against the agency by such third parties or members of the employee's family.

Reporting Requirements

Every employee who telecommutes as part of their normal telecommuting schedule must record telecommuting hours each day they work at the alternate work location on the employee's timesheet (for FLSA non-exempt employees) or the leave report (for FLSA exempt employees). Supervisors will be required to approve this time and the time approved must coincide with the approved telecommuting schedule. Failure to accurately report or approve telecommuting hours may result in the discontinuation of the agreement.

Supervisors and employees are required to provide a weekly report to the Office of Human Resources documenting any deviation from the approved telecommuting agreement. This includes employees working in the office on days they are scheduled to telecommute or telecommuting on days they are scheduled to be in the office.

Employees who telecommute and do not have a normal telecommuting schedule also will be required to provide a weekly report indicating telecommuting hours worked.

Telecommuting Outside of Normal Telecommuting Schedule

The Office of Human Resources must approve all telecommuting outside of an established telecommuting schedule.

4. Procedures:

Application and Approval for Telecommuting

The supervisor and employee should complete a Telecommuting Application and Agreement and submit it to the divisional vice president or the highest-ranking official within the division. Upon approval of the vice president, the Telecommuting Application and Agreement will be forwarded to the Office of Human Resources for consideration.

Along with the Telecommuting Application and Agreement, supervisors are required to submit to the vice president and Office of Human Resources specific information identifying the cost-savings and efficiencies associated with allowing the employee to



telecommute. Additionally, supervisors are required to submit specific information associated with operational costs Winthrop will incur by allowing the employee to telecommute (equipment, supplies, etc.).

5. Resources:

<https://www.winthrop.edu/uploadedFiles/hr/policies/TelecommutingApplicationV2.pdf>

6. History of Revisions:

10/16/2025	Policy was revised
11/01/2022	Policy first established

7. Approvals:

Responsible Officer Signature/Date:

Vice President/Senior Administrator Signature/Date:

President Signature/Date: