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Winthrop University Telecommuting Toolkit for Supervisors and Employees

Introduction

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.” The Winthrop University Telecommuting Policy provides the framework and guidelines for requesting and approving telecommuting at Winthrop.

Telecommuting is a work arrangement where selected employees are allowed to perform the normal duties and responsibilities of their positions, through the use of computers or other telecommunication equipment, at home or at another alternate work location apart from the employee's usual location of work. Telecommuting may be a part-time or a full-time arrangement. Telecommuting is an option offered at Winthrop's discretion and is not an employee entitlement or right. If telecommuting is approved for an employee, Winthrop retains discretion to withdraw the approval of telecommuting at any time and with or without cause.

Definitions

Telecommuting: A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their primary workplace, in accordance with work agreements. Also known as teleworking or remote work. Three main categories of telecommuting can exist:

- Regular, recurring telecommuting. May be full-time or part-time, such as one or two days a week or parts of each workday (to avoid peak commuting hours). This level of telecommuting requires a formal agreement between the employee and Winthrop.
- Periodic, intermittent telecommuting arrangements may arise, for example, where an employee is assigned a project with a short timeframe or one that requires uninterrupted time to complete. This level of telecommuting does not require a formal agreement process.
- Temporary or emergency telecommuting may be used during short-term illness, a transportation emergency due to weather, a natural disaster, pandemic health crises, or other similar unplanned emergent events. This level of telecommuting does not require a formal agreement process. These arrangements require a verbal agreement between the employee and the supervisor. These arrangements should be limited to the duration of the short-term illness, transportation emergency due to weather, natural disaster, pandemic health crises, or other similar unplanned emergent event.

Primary Onsite Workplace or location – A telecommuter's usual and customary workplace on campus.

Remote or Alternate Workplace – A workplace other than the employee’s usual and customary workplace (primary onsite workplace) and may include the employee’s home.

Telecommuting Application and Agreement – The signed document that outlines the understanding between Winthrop University and the employee regarding the telecommuting arrangement and provides guidelines and conditions for telecommuting. The telecommuting agreement document must be signed by the employee and all approving authorities prior to beginning telecommuting work. The agreement must be approved by the President (or designee) and will be maintained in the employee’s human resources personnel file.

Telecommuter - An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location rather than Winthrop’s primary work location.

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

Childcare 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.

The Business Case for Telecommuting

As noted previously, S.C. Code Ann. § 8-11-15(B), permits Winthrop to implement telecommuting when it results in greater efficiency and cost savings. Therefore, to be compliant with the law, the decision to allow telecommuting is based on clearly defined and measurable benefits for Winthrop and South Carolina taxpayers. A well-designed telecommuting program can benefit Winthrop in several ways, including:

- Improved employee productivity.
- Lower employee turnover.
- Increased retention of employees who are disabled as defined by the Americans with Disabilities Act and require an accommodation to work from home.
- Decreased recruitment cost. Recruitment is made easier as potential candidates consider the ability to telecommute as a valuable benefit.
- Lower employee absenteeism.
- Continuity of operations is supported by ensuring service is not interrupted during times of emergency when the regular work location is inaccessible.

In addition to benefits for Winthrop, many employees also value the opportunity to telecommute. Benefits to employees include:

- Decreased commuting costs, including lower gas and maintenance costs.
- More flexibility as commute time is eliminated.
- Increased job satisfaction.

A telecommuting arrangement with an employee should only be implemented, and will only be successful, if the service provided by Winthrop is as good as or better when employee is telecommuting. This includes ensuring

the employee is available to those seeking service, including being available in-person when needed. It is critical that students, on campus customers, and other constituencies feel secure that Winthrop employees are available to help and support them when they seek services from Winthrop.

Telecommuting Guidelines

Eligibility Requirements for Telecommuting

1. To be eligible to apply for telecommuting, an employee should have completed one year of satisfactory employment with Winthrop. This requirement may be waived at the discretion of the president for any reasons deemed appropriate by the president.
2. Employees in a warning period of substandard performance are not eligible for telecommuting. In addition, employees with recent disciplinary actions will generally be prohibited from telecommuting. This requirement may be waived by the president for any reason deemed appropriate by the president.
3. Employees in a position identified as ineligible for telecommuting as stated in Winthrop's Telecommuting Policy will not be eligible to apply. This requirement may be waived by the president for any reason deemed appropriate by the president.
4. Generally, the alternate work location should be in South Carolina (or in the greater Charlotte, North Carolina area). Telecommuting from other states or locations outside of the United States is prohibited.
5. Temporary employees are not eligible for telecommuting, without express written consent from the president and Human Resources.
6. Employees working under H1B Visa status are not eligible for telecommuting.
7. Any employee who telecommutes must have a Winthrop-issued laptop prior to submitting an application.

Application for Telecommuting

1. An eligible employee shall complete a Winthrop University Telecommuting Application and Agreement and submit the request to the supervisor for review and final approval by the president or his/her designee.
2. Requests for telecommuting will be considered on a case-by-case basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the duties, or a portion of the duties, of the employee's position can be adequately performed while telecommuting.
3. The president has reviewed all processes and procedures associated with Winthrop's Telecommuting Program and has delegated authority to approve individual requests to the divisional Vice President (or most senior ranking official within the division) and Human Resources.
4. The request must receive final approval before the employee may begin to telecommute. HR will notify the supervisor and the employee when approved. Upon approval, the employee agrees to follow all requirements of Winthrop's Telecommuting Policy, and in accordance with the Telecommuting

Application and Agreement, the Telecommuting Toolkit located on the HR website, and any additional requirements agreed upon by Winthrop and employee.

Conditions of Telecommuting

1. The employee's duties, responsibilities, and conditions of employment remain the same as if the employee was working at Winthrop's primary work location. The employee will continue to comply with federal and state laws and regulations, as well as Winthrop policies and procedures, while working at the alternate workplace. This includes Fair Labor Standards Act (FLSA) requirements related to the payment for time worked and overtime compensation.
2. Generally, an approved telecommuting schedule will include a hybrid schedule consisting of combined remote work and on-campus work. Employees should work from their on-campus work location a minimum of two or more days each week.
3. Generally, Winthrop requires student/customer/public services to be provided in a face-to-face setting. Supervisors may not authorize the alteration of business practices to provide services in a virtual format in order to allow an employee to telecommute. An employee's job duties may not be reassigned to other employees, students, or temporary employees in order to allow an employee to telecommute.
4. Telecommuting will not adversely affect an employee's eligibility for advancement or any other employee right or benefit. An employee will be compensated for all pay, leave, overtime, and travel entitlement as if all duties were being performed at the employee's primary workplace.
5. Work hours, overtime compensation (for non-exempt employees), compensatory time, and leave benefits will not change as a result of telecommuting. Requests to work overtime or use sick, annual, or other leave must be approved by the supervisor in the same manner as when the employee is working at the employee's primary work location. **A non-exempt employee shall not work overtime unless authorized in advance by the supervisor.**
6. The employee agrees to designate a separate workspace in the alternate work site for the purposes of telecommuting and will maintain this area in a safe condition, free from hazards and other dangers to the employee and any Winthrop's equipment. To ensure the safety of the workspace, the **Telecommuting Application** includes a safety checklist and the must certify that the alternate work location complies with health and safety requirements. The employee agrees that Winthrop shall have reasonable access to the alternate work location for the purposes of inspection of the site and retrieval of Winthrop-owned property. The employee will notify Winthrop of any changes to their alternate workplace prior to the move occurring. **Generally, the alternate work location should be in South Carolina (or in the greater Charlotte, North Carolina area). Telecommuting from other states or from locations outside of the United States is prohibited.**
7. 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. The employee understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace. 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.

8. Working hours cannot coincide or overlap with any other type of employment.
9. Telecommuters who have provided a medical certification prohibiting them from working are similarly prohibited from working remotely.
10. The alternate workplace is considered an extension of the employee's usual work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined workplace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor immediately.
11. Winthrop requires all telecommuting computer work to occur on a Winthrop-issued laptop. Employing departments are responsible for costs associated with Winthrop-issued equipment. Employees must have been issued a Winthrop-owned laptop PRIOR to submitting the Telecommuting Application and Agreement form.
12. Winthrop will cover the cost repair or maintenance of Winthrop-owned equipment; however, Winthrop will not cover the cost of repair or maintenance of the employee's personal equipment, including monitors, cell phones, etc. The employee agrees that any personal equipment used to conduct Winthrop business could be subject to disclosure by subpoena or under the South Carolina Freedom of Information Act.
13. Winthrop's security controls and conditions for use of Winthrop-owned equipment at the primary workplace will also apply to alternate work locations. All official agency records, files, and documents must be protected from unauthorized disclosure or damage and returned safely to the official work location. The employee will return all Winthrop equipment, files, and documents to Winthrop immediately upon termination of telecommuting or of the employee's employment. Telecommuters must be aware that Winthrop policies related to data security, privacy, usage, and acceptable use of network services, mobile devices, etc. apply when telecommuting and telecommuters should have no expectation of privacy when using Winthrop-owned equipment, or when conducting Winthrop business using personal devices, including cell phones.
14. No employee engaged in telecommuting will be allowed to conduct face-to-face, Winthrop related business at his or her home office. An employee understands that he or she will be liable for injuries or damages to the person or property of third parties, or members of the employee's family, in the alternate workplace.
15. In the event Winthrop's campus is closed due to hazardous weather or for any other reason, an employee who has been approved for telecommuting will be required to work by telecommuting even if they were scheduled to work on campus during the time the office is closed.

Termination of Telecommuting

Winthrop may terminate the telecommuting arrangement at any time with or without cause, and this determination is final in terms of administrative review. By participating in a telecommuting arrangement, the

employee agrees that any termination of telecommuting will not constitute an involuntary reassignment under the State Employee Grievance Procedure Act.

Possible Telecommuting Arrangements

There are very few jobs where it would be practical to telecommute every workday. As a result, most employees who telecommute do not work at the alternate workplace during all work hours. Below are examples of possible telecommuting arrangements. It is important to remember that any arrangement should benefit Winthrop and support business needs.

- The employee may telecommute on pre-determined days (for example Monday, Wednesday, and Friday) and work in the office the remainder of the week (Tuesday and Thursday). This arrangement allows for many of the benefits of telecommuting while also providing the opportunity for employees to complete tasks that require presence in the office or to meet in person with other employees or customers. Savings for space can be realized if employees are placed on different schedules so that all employees are not in the office at the same time.
- The employee may telecommute for parts of the workday and work in the office for the remainder of the day. For example, an employee may work in the alternate workplace from 8:30 a.m.–noon, and then in the primary workplace from 1:00 p.m. –5:00 p.m. This arrangement allows the employee to avoid peak commute time reducing the time spent in traffic. This arrangement may also be beneficial for an employee who, due to a disability, is unable to report to the primary work location for part of the day.

Supervisors will establish parameters for the time and location of all work to be performed. Supervisors should attempt to provide advance notice of any deviations to an established telecommuting schedule; however, such notice is not a requirement. While there may be some deviations in an established telecommuting schedule, the Telecommuting Application and Agreement form must include a specific work schedule in order to avoid confusion regarding supervisor/employee expectations. Regardless of the telecommuting arrangement, an employee can be required to report to the primary onsite workplace at any time.

Winthrop may, at its discretion, allow employees who are telecommuting to work a flexible or compressed work schedule.

Selecting Those Who Participate in Telecommuting

When selecting employees who will be allowed to telecommute, supervisors should evaluate (1) the employee's position to determine if the job functions can be effectively performed in the alternate workplace; and (2) the employee to determine if they possess the characteristics necessary to be successful working away from the office.

Characteristics of Appropriate Telecommuting Positions

- The position responsibilities are arranged so that there is no difference in the level of service provided to the customer regardless of work location.
- The position has minimal requirements for direct supervision or student/customer/public contact.
- The position requires minimal face-to-face communication.
- Communication can be managed primarily through telephone, email, virtual meetings, etc.
- The position has minimal requirements for special equipment.
- The position has job tasks and work products with measurable work activities and objectives.

- The position allows for control over and scheduling of workflow.
- The position does not require materials that are accessible only from the office.
- There are safeguards to ensure confidential information is protected as required by state and federal law, and applicable agency policies.

It is important to remember that even if a particular classification or job can be performed successfully through telecommuting, that does not necessarily mean that every employee in that classification or performing that job should be allowed to telecommute. The likelihood the employee will be a successful telecommuter must also be evaluated carefully.

Characteristics of Successful Telecommuting Employees

- The employee can develop regular routines and is able to set and meet deadlines.
- The employee is self-motivated, self-disciplined and able to work independently.
- The employee is capable of completing projects on time with minimal supervision and feedback.
- The employee is capable of being productive when no one is checking in or watching the employee at work.
- The employee has strong organizational and time-management skills.
- The employee is results-oriented.
- The employee will remain focused on work while telecommuting and not be distracted by television, housework, visiting neighbors, etc.
- The employee will manage their time and workload well, solve many of their own problems and find satisfaction in completing tasks on their own.
- The employee is comfortable setting priorities and deadlines.
- The employee focuses on results.
- The employee is comfortable working alone and can adjust to the relative isolation of working at home.
- The employee can set a comfortable and productive pace while working at home.
- The employee has a good understanding of the organization's culture and environment.
- The employee is knowledgeable about Winthrop's procedures and policies and has been on the job long enough to know how to do their job in accordance with those policies.
- The employee has effective working relationships with co-workers and will be able to maintain communications with their co-workers while telecommuting.
- The employee is adaptable to changing routines and environments and has demonstrated an ability to be flexible about work.
- The employee is an effective communicator, has demonstrated effective communication between supervisors and co-workers, and is comfortable using various methods of communication.
- The employee has a documented history of good performance.
- The employee has a safe and comfortable workspace where it is easy to concentrate on work.
- The alternate workplace has the appropriate level of security required by Winthrop.
- The employee has the necessary office equipment and software to meet agency standards. *This equipment and software may be provided by Winthrop or the employee.*
- The employee has a telephone, with separate home office line if required, voicemail, and sufficient internet speed to perform the functions of the job (where applicable).
- The employee has household members who will understand they are working and will not disturb their work. The employee understands and agrees that they are prohibited from providing dependent care (either to a child or an adult) while working at the alternate workplace.

It is important to remember that telecommuting is not a good option for all employees and the decision to allow an employee to telecommute should be based on a careful review of the position and the employee. The decision to allow some employees to telecommute and not allow other employees to telecommute, even in similarly situated positions, is within Winthrop's discretion. When considering a decision not to allow a particular employee to telecommute based on the employee's performance, discipline, or other characteristics associated with the particular employee, the supervisor should make the decision based on documented, observed, behaviors or requirements.

If there is concern about the ability of an employee to successfully perform their job while telecommuting, the request to telecommute can be approved on a trial basis. In this situation, the employee should be advised that the approval is being provided on a trial basis and will be evaluated after a period of time, for example after three months, to determine if the employee will be allowed to continue telecommuting.

Under no circumstances may the regular job duties of an employee be redistributed to another regular employee, a temporary employee, or a student in order to allow telecommuting.

Flexible Work Schedule and Telecommuting

Regular work hours are 8:30 a.m. – 5:00 p.m., Monday through Friday (unless otherwise stated.) While employees who telecommute may also be approved for a flexible work schedule, telecommuters are required to perform work during the pre-approved work hours agreed upon by the supervisor and the employee in the telecommuting agreement. Employees must be available and respond to phone calls, emails, etc. just as they would be expected to respond if working in the office. Supervisors may refer to the [Flexible Work Schedule Guidelines](#) for additional information.

Managing Employee Performance

Managing and supervising telecommuters requires commitment and additional effort on the part of the supervisor to ensure that the arrangement remains successful, efficient, and in the best interest of the department and Winthrop. Regardless of the telecommuting arrangement, it is crucial that employee performance be regularly monitored, and performance deficiencies addressed immediately. The same principles of performance management apply to employees regardless of where they work, but managing a remote workforce, and managing employee performance for a telecommuter, does present some challenges. Supervisors must focus on the quality and quantity of work produced. Telecommuting work activities must be clearly defined, and should include measurable deliverables, productivity metrics, and an agreed upon method of managing performance expectations. Ideally, this would be the approach for employees who work in the office or who telecommute.

Winthrop's Employee Performance Management System (EPMS) policy applies to all covered employees regardless of work location. The process starts by establishing concrete and measurable performance expectations for each employee specific to their job duties. Job duties for a position may not be eliminated or redistributed to another employee in order to accommodate a telecommuting arrangement.

Establishing Performance Expectations

The same performance expectations for employees working in the office can and should be applied to employees who telecommute. Performance expectations should be established using the S.M.A.R.T. goal method. Goals should be:

- **Specific:** Able to be clearly stated and direct.
- **Measurable:** Able to tell when completed.
- **Attainable:** Appears realistic to the employee.
- **Relevant:** Has a bearing on the overall direction of the unit or organization.
- **Time bound:** Have a sense of the scope and likely timeframe for completion.

All goals should be accompanied by suitable performance measures which can be monitored by the supervisor and, ideally, by the employee. These performance measures should be tied to outcomes that support the mission of the department and Winthrop University.

Employees who supervise: Approval to allow supervisors to telecommute must be made with a high degree of consideration and clear expectations regarding the requirement to continue to communicate regularly with the employees they supervise, how they will train and acclimate new hires under their supervision, how they will monitor performance of their employees, etc.

Employees whose primary responsibilities include providing direct services to students, student programming responsibilities, customer service to on- or off-campus constituents, etc.: Winthrop is a public, full-service, residential campus and, as such, the determination to allow employees to telecommute may, in no way, interfere with or diminish the level of services (either perceived or actual) provided to the students or employees Winthrop serves, or the citizens of South Carolina. Employees with student-facing or customer-facing job duties should be approved for part-time telecommuting on a very limited basis, if at all.

Monitoring Performance

Supervisors and employees have access to Microsoft Teams, which provides a chat feature to allow continuous communication throughout a workday for questions, feedback, and work assignments, and provides a means for the supervisor to monitor when an employee is logged-in to their workstation. Using this tool is highly recommended to monitor employee productivity and availability. Additionally, the Winthrop University Telecommuting Activity Tracking form is provided to supervisors as a tool to assist in monitoring employee performance and productivity when an employee is telecommuting. The activity tracking form should be completed by the telecommuter and submitted to the supervisor weekly. Supervisors must review the information submitted and provide regular feedback to the employee regarding the activities performed remotely. The activity tracking forms must be retained by the supervisor.

Providing constructive feedback to employees concerning their performance is vital to the success of the employee and Winthrop. While frequent feedback is important for all employees it is particularly important for remote employees. These conversations improve employee engagement and foster connections between the employee and the supervisor.

The frequency of performance discussions will vary based on need. Best practice is to meet at least monthly with an employee to specifically discuss performance in relation to regular job duties, success criteria, and goals set during the EPMS planning stage. These conversations should be documented.

If an employee who is telecommuting exhibits poor performance the same coaching and substandard performance process will be applied as used for employees working in the office. Employees who exhibit poor performance while telecommuting will be evaluated to determine if the employee should be permitted to continue telecommuting.

Performance Review

Employees who telecommute should participate in the same performance review process as employees working in the office. If the performance of similarly situated non-telecommuting employees exhibits better performance than telecommuting employees, careful consideration should be given to whether employees should be permitted to telecommute.

The Alternate Workplace, Safety, Data, and Equipment

The alternate workspace must be located in a space with adequate lighting and ventilation, and reasonably quiet and free from distractions. The aisles, doorways, and corners must be free from obstructions and permit movement. The telecommuter must have ready access to a fire extinguisher and have developed a fire evacuation plan to be executed in the event of a fire emergency. The alternate workplace must have a working smoke detector.

Winthrop requires all telecommuting computer work to occur on a Winthrop-issued laptop. Employing departments are responsible for costs associated with Winthrop-issued equipment. Employees must have been issued a Winthrop-owned laptop PRIOR to submitting the Telecommuting Application and Agreement form. Winthrop data security and privacy policies are applicable to work done in the alternate workstation. Failure by the employee to adhere to applicable privacy and security requirements may result in disciplinary action up to and including termination.

Winthrop employees may not use personal email accounts to conduct Winthrop business or when communicating as a representative of Winthrop. The ability to maintain secure storage and transmission of Winthrop data is critical to the ability to implement a telecommuting arrangement. All Winthrop electronic data must be stored in Winthrop files on Winthrop's servers or Winthrop's cloud-based systems. Under no circumstances will a telecommuting employee be permitted to retain possession of any information not also accessible by someone in the office. The telecommuter is responsible for the security and confidentiality of Winthrop information, customer information and the protection of all Winthrop-provided equipment. This includes ensuring Winthrop equipment or equipment containing Winthrop data (mobile phones, computers, flash drives, etc.) is secure. Employees should take efforts to protect their laptop or computer screen from being inadvertently viewed by unauthorized individuals when performing Winthrop work.

Employees who telecommute agree to designate a separate workspace in the alternate workplace where work is performed. The alternate workplace must be located in a secure location that mitigates unauthorized access, theft, and damage. Winthrop is not responsible for operating costs, home maintenance, or any other incidental costs (ex: electricity, cellphone or internet service) associated with the alternate workplace. Telecommuters must allow Winthrop employees, coworkers, external customers, etc. to contact them during normal business hours using a phone and phone number provided by the employee or by using Microsoft Teams.

Employees who telecommute may not ask or require coworkers to perform regular job-related tasks (ex: make copies, send or receive faxed documents, mail or deliver documents or materials, etc.) that would not normally be performed by the coworker. Employees whose job duties include similar tasks may not be a candidate for telecommuting.

All equipment, supplies, materials and/or other property will be immediately returned to Winthrop upon request, termination of participation in the Telecommuting Program, and/or termination of employment.

Required specifications include, but may not be limited to:

- Telecommuters are required to logoff of their computer session at the end of the work day.
- Enough three-pronged (grounded) electrical outlets connected to a surge protector in the workplace to support the required equipment. All electrical equipment is free of recognized hazards that would cause physical harm (e.g., frayed wires, bare conductors, loose or exposed wires.) Phone lines, electrical cords, and extension wires are secured underneath a desk or along baseboards. If necessary, the employee must consult with an electrician or power utility company on capacity questions.
- Equipment must be placed at a comfortable height for viewing and on a sturdy, level, well-maintained piece of furniture. The keyboard and mouse must be placed at a comfortable height that does not cause wrist, neck, or shoulder strain.
- Telecommuters must ensure that security controls are in place to protect passwords, Winthrop-owned software, data, and files from unauthorized disclosure.
- Winthrop data must be stored only on approved institutional storage that ensures confidentiality, availability, and data integrity (i.e. Office 365 suite of tools – OneDrive, Teams, OneNote). At no time should data be stored exclusively on the local drive. OneDrive is the only authorized data synchronization solution for Winthrop business and should be activated to save to the cloud.
- If phone forwarding is needed, telecommuters must work with IT to ensure it is set up correctly.
- If not using a wired connection, the Wi-Fi network at the approved remote location must be secured with at least WPA/WPA2 encryption and with a complex password/phrase.
- All hosts that are connected to Winthrop’s network must use up-to-date anti-virus software, keep virus definitions up to date, and run regular scans.

Telecommuting as an ADA Accommodation or during Intermittent FMLA Leave

Approval to telecommute associated with serious, chronic, or on-going health-related circumstances (either the employee’s health issue or that of a dependent) is determined by HR. (See the Temporary or Emergency Telecommuting section of this document regarding minor, short-term illnesses.) Supervisors do not have the authority to allow an employee to telecommute due to serious, chronic, or on-going health issues and HR MUST be notified when the supervisor becomes aware of employee health issues that may trigger an employee’s rights under the Family Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA).

Telecommuting may be considered a reasonable accommodation under the ADA. Employees who believe they may need to telecommute due to a medical-related issue must contact HR at HRHelp@winthrop.edu to discuss the employee’s particular situation. When notified of a need for an accommodation, HR will initiate the interactive process with the employee and the supervisor, which may include a statement from the employee’s physician, to determine the type of accommodation needed. To determine if any or all job duties can be performed at an alternate workplace, the supervisor must ensure that essential functions of the position have been identified and consideration given to the feasibility of telecommuting. Winthrop may waive certain telecommuting eligibility requirements, modify the telecommuting policy, or waive or modify other workplace policies to allow an employee with a disability to work from home as a means of reasonable accommodation. Employees will not be permitted to telecommute as an accommodation if telecommuting prevents the employee from performing the essential job functions or causes undue hardship to Winthrop. Supervisors must not attempt to respond to ADA accommodations requests or make ADA accommodations without contacting HR for guidance.

While telecommuting may be a possible accommodation, Winthrop is not required to allow telecommuting just because this is a possible accommodation. If another reasonable accommodation is appropriate and effective Winthrop may deny the request to work from home even if this is the accommodation preferred by the employee.

Telecommuters who are out of work on continuous FMLA leave prohibiting them from working are similarly prohibited from working remotely. However, telecommuters who have provided a medical certification for intermittent FMLA may work with Human Resources to determine their eligibility to perform work during the time period they are approved for leave under the FMLA.

Emergency or Temporary Telecommuting Approval

From time to time emergency or temporary situations arise for which approval of remote work for some employees may be allowed. Adherence to requirements for approving non emergency/temporary telecommuting shall not be required for the types of emergency or temporary telecommuting described below. The “conditions of employment” located elsewhere in this policy apply to emergency or temporary telecommuting and employees whose positions are not conducive to remote work will not be eligible for emergency or temporary telecommuting. Requests for emergency or temporary telecommuting may be denied or discontinued for any reason or no reason. All approved emergency or temporary telecommuting work must be performed during the employee’s regular work hours. The employee must report the appropriate leave, or leave without pay when leave is not available, when not working.

- **Periodic, intermittent telecommuting or remote work** arrangements may arise, for example, where an employee is assigned a project with a short timeframe or one that requires intense concentration that is best completed outside the primary onsite workplace. This type of telecommuting must be requested and approved by the supervisor. It is the responsibility of the supervisor to notify the divisional vice president (or Athletic Director or Provost as appropriate) of all employees who have been approved of this type of short-term leave. Periodic or intermittent telecommuting may not exceed five work days within a six-month time period. Telecommuting that extends beyond five work days within a six-month time period for an employee will require an approved formal agreement.
- **Temporary or emergency telecommuting or remote work** may be used during short-term circumstances such as an emergency closure of Winthrop University campus due to weather, a natural disaster, temporary environmental concerns on campus or in a building or work area, or a pandemic health crisis. During these types of situations a temporary telecommuting agreement may be required generally if the temporary or emergency situation will persist for longer than five consecutive work days. However, when an emergency closure of the campus occurs, temporary telecommuting agreements will not be required. A temporary telecommuting agreement and related guidelines may be requested by emailing HRHelp@winthrop.edu.
- **Work from home while on intermittent FMLA medical leave, or other medical leave** due to the employee’s own serious health condition may be requested by an employee in writing to the Office of Human Resources, Employee Diversity, and Wellness. When the employee is on medical leave related to his/her own health condition and/or a physician has written the employee out of work at any point, medical certification that explicitly states the employee is allowed to work intermittently during the approved FMLA dates will be required prior to approving any type of work. An employee on approved FMLA leave shall not be pressured in any way by a supervisor to work while on approved FMLA leave.
- **Work from home while on approved FMLA leave to care for a dependent** may be approved when appropriate. An employee on approved FMLA dependent leave shall not be pressured in any way by a supervisor to work while on approved FMLA leave. However, employees may request to work during pre-approved and agreed upon (by the supervisor and the employee) times. Remote work related to approved FMLA leave of a dependent will be approved for no more longer than the FMLA approved dates

and only when the employee is able to perform work in a professional manner free from distraction. Under no circumstances shall telecommuting be approved as an ongoing substitute for childcare or dependent adult care.

- **Work from home when an employee is on approved short-term medical/sick leave** related to a temporary, short-term illness or injury of their own, of a child, or of a family member, the employee may be allowed to perform remote work on a case-by-case basis. Remote work related to a temporary medical condition will be approved for no more than five consecutive work days and only when the employee is able to perform work in a professional manner free from distraction. Employees should not be pressured by a supervisor to work from home when they are ill. Work from home related to a medical condition of the employee, of a child, or of a family member beyond five consecutive days must be approved by Human Resources, Employee Diversity, and Wellness. Requests may be forwarded to HRHelp@winthrop.edu. Under no circumstances shall telecommuting be approved as an ongoing substitute for child care or dependent adult care.

Frequently Asked Questions

If an employee is unable to work at the alternate workplace due to equipment failure, loss of electricity, loss of internet or other unforeseen reason, are they required to use leave?

- An employee unable to work at the alternate workplace is required to take leave, make up the time missed or may be required to report to work on campus.

Does Workers' Compensation coverage extend to the alternate workplace?

- The alternate workplace is considered an extension of the employee's usual work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the defined workspace during approved telecommuting hours. Any work-related injuries must be reported to the employee's supervisor and to the appropriate Environmental Health and Safety staff member immediately.

Who is liable for injuries or damages to the person and property of third parties, including members of the employee's family, which occur in the alternate workplace if the alternate workplace is the employee's home?

- The employee is liable for injuries and damages to third parties in these circumstances. Injuries to the employee may be covered by Workers' Compensation Insurance.

Who is responsible for tax implications related to telecommuting?

- The tax implications of telecommuting beyond normal payroll deductions are entirely the responsibility of the telecommuter. Telecommuters are encouraged to seek professional advice regarding these issues particularly concerning any tax implications of working from home. For additional information contact the Internal Revenue Service.

Are employees required to take leave for time they are scheduled to telecommute, but no work is performed?

- Yes. Requests to use sick, annual, or any other leave must be approved by Winthrop in the same manner as when working at Winthrop's primary workplace. Telecommuting hours are regular work hours and, therefore, employees may not perform personal activities during these hours. Telecommuters are expected to follow agency leave policies and procedures to request time off from telecommuting to engage in non-work activities.

Is travel time between the employee's alternate workplace and the primary workplace (or other agency location) considered work time?

- It depends. Winthrop will adhere to the requirements of the Fair Labor Standards Act regarding compensable time. Generally, normal commute time between a telecommuting workplace and the primary workplace is not work time. If occurring during the telecommuter's normally scheduled work hours, travel time between the telecommuting workstation and the primary workplace is considered work time. For example, if a telecommuter begins work at the telecommuting location at 8 a.m., and then travels to another agency 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 telecommuter continues to perform work activity from the telecommuting workstation after returning from the primary work location. Mileage between the telecommuting workstation and the primary workplace before or after the workday is commuting mileage and is not subject to reimbursement.

Who is responsible for purchasing supplies used by the telecommuter for work activities?

- Before purchasing any supplies with the expectation of reimbursement by Winthrop, telecommuters should contact their supervisor to determine if the supplies will be provided by Winthrop or if the expense will be reimbursed.

Is an employee who can telecommute required to do so if the primary agency location is closed due to hazardous weather or other reason?

- Yes. If an employee has entered into a telecommuting agreement and their primary workplace is closed due to hazardous weather or other reason, the employee will be required to work by telecommuting even if they were scheduled to work from the primary workplace during the time the office is closed.