

**Office of the Chancellor
Pennsylvania's State System of Higher Education**

**University Operations Procedure/Standard Number 2021-51
Telecommuting**

Approved by:  Date: 7-9-2021

Related Policies, Procedures, or Standards:

Key words/Categories: Administration, Human Resources, Labor Relations

I. Introduction

This Procedure/Standard ("Procedure") establishes guidelines and procedures to enable consistent implementation and administration of telecommuting across the Pennsylvania State System of Higher Education and the individual universities.

II. Definitions

- A. Alternate Work Site.** An approved work site within the Commonwealth of Pennsylvania¹, other than the employee's assigned permanent work location, designated for telecommuting.
- B. Permanent Work Location.** The System Office or University work location to which an employee is assigned. For teleworkers, the Permanent Work Location is the location to which an employee would report when not working from the Alternate Work Site.
- C. Telecommuting.** Work and transportation alternatives that substitute home-to-work commuting with the option of working at home or at satellite work locations for all or part of the employee's normal work assignment on a full-time, part-time or ad hoc basis.
- D. University.** Those university institutions identified as comprising the State System pursuant to 24 P.S. § 20-2002-A(a).
- E. System Office.** Those offices, bureaus and other administrative bodies comprising the State System of Higher Education as established and identified in 24 P.S. § 20-2002-A(a). For purposes of this Procedure/Standard, shared service center employees identified as serving the State System are System Office employees.

III. General Procedures and Requirements

A. Authority for Development and Implementation of Policies

- 1. For purposes of the Universities, decisions regarding policy development and implementation for telecommuting, as consistent with these Procedures, remains

¹ Further guidance regarding approval of out-of-state alternate work sites will be forthcoming.

within the sound discretion of the President of each University, or such individual who may be designated by the President.

2. For purposes of the System Office, decisions regarding policy development and implementation for telecommuting remains within the sound discretion of the Chancellor or such individual who may be designated by the Chancellor.

B. Work Space and Equipment

1. A designated work space shall be identified and maintained by the employee that is suitable for the performance of official business.
2. The employee must make advance arrangements for dependent care to ensure a productive work environment. Telecommuting is not intended to be a substitute for dependent care, or other personal obligations, and the employee shall continue to make arrangements for and utilize dependent care to the same extent as if the employee were working at the employee's assigned permanent work location.
3. The employer will make common office supplies (e.g., paper, pens, file folders) available at the permanent work location, and employees should access those supplies as needed. Employees will not be reimbursed for out-of-pocket expenses for office supplies or any other expense, except as provided by separate policy (e.g., travel, procurement, and wireless device policies).
4. Except as provided in wireless device policies, the employee will provide telephone and internet service (as applicable) at his/her own expense.
5. The employee is responsible for all insurance, maintenance and utilities associated with the alternate work site.
6. The employee is required to notify his/her supervisor immediately of:
 - a. any equipment, software, power, or internet connection malfunction or failure (the employee may be required to report to the Permanent Work Location for the remainder of the day or to utilize leave, in such an event);
or
 - b. any theft, loss or damage of any equipment issued by the employer or of any personal equipment used for official business.
7. The employer will provide the employee with appropriate equipment and materials (computer, monitor, software, etc.) for performance of the employee's job duties. In most cases, printers, scanners, and fax machines will not be provided.
 - a. It is understood that any such hardware, software, or other equipment issued to the employee is the sole and exclusive property of the employer and is subject to the same business and proper use of technology as if it were located at the permanent work location.
 - b. Employees must utilize such equipment as directed, including any directives regarding accessing confidential data.

- c. Any equipment that is used by an employee for official business, regardless of whether the equipment is personal or issued by the employer, is subject to discovery and Right-to-Know requests.
- d. Where the employer, at its discretion, does not provide certain hardware or office equipment, the employee shall not be reimbursed for the purchase of any such equipment for use at the alternate work site.

D. Job Duties and Conditions of Employment

1. Telecommuting is not an employee right or a guaranteed employee benefit, and the implementation and/or continuation of telecommuting is at the sole discretion of the Employer.
2. Telecommuting approval is for the employee's existing position. If an employee takes a new position, continuation or modification of telecommuting is at the sole discretion of the Employer.
3. The employee's responsibilities and conditions (i.e., hours, compensation, benefits, leave, rights and privileges, and disciplinary procedures) remain unchanged; however, the employee may be required to follow employer directives regarding work day check-ins and/or submit periodic written reports to a supervisor regarding work progress and deliverables.
4. The employee should satisfactorily complete all assigned work according to established standards, guidelines and established performance expectations.
5. Employees will continue to be covered by and expected to abide by all existing Board of Governors, and applicable University policies and regulations, including but not limited to hours of work, safety, security, confidentiality, equipment use, standards of conduct, and the prohibition on conducting personal business during work hours.
6. Absent approval from their supervisor, the employee may not conduct their assigned job duties via in-person meetings at the Alternate Work Site.
7. The employee must be accessible and available at all times during their normal work hours except during periods of approved leave and any identified break periods. The employee will be directed on modes of communication to be used during the telecommuting arrangement (i.e., telephone, fax, VPN network access, email, etc.). The employee may be required to grant calendar access to his/her supervisor or others upon request.
8. Requests for leave, overtime, compensatory time, or any other benefit afforded under an applicable bargaining agreement, or by policy, shall be handled as if the employee is working at the assigned permanent work location.
9. When a scheduled workday is declared to be an official paid office closing (due to inclement weather or other adverse conditions that impact the permanent work location, and/or travel to and from the permanent work location), telecommuting employees will be expected to and will work at the approved alternate work site, or will be required to utilize approved appropriate leave time for that day.

10. The employee will not be reimbursed for any travel miles to, or receive compensation for time spent commuting to, the permanent work location from the alternate work site.
11. Regardless of any telecommuting approval status, employees are required to abide by all applicable university and System policies, procedures, regulations and laws, including those relating to leave, disability accommodations, and FMLA.
12. Personal tax implications related to the alternate work site shall be the employee's responsibility.
13. Failure to abide by the telecommuting policy may result in discipline or revocation of approval for telecommuting.
14. All telecommuting employees may be required to report to the permanent work location for those duties that may only be performed there, as directed by their supervisor with appropriate notice (e.g. in-person staff meetings, on-site training, etc.).

E. Work Site Safety and Occupational Injuries

1. An employee requesting approval for telecommuting must self-certify that the designated work space is: clear of conditions that would pose a hazard to the employee's safety or otherwise present a danger to assigned equipment or data, and that the designated work space is conducive to the performance of the assigned job duties.
2. The designated work space is considered an extension of the assigned permanent work location; therefore, the employee is covered by workers' compensation insurance during the course and scope of employment, during the approved work schedule, and in the designated work location. Neither the University nor the System Office assume any liability for injuries that occur outside of the designated work space, outside the employee's normal work schedule, or outside the course and scope of employment. The employee is responsible for immediately informing his or her supervisor and the Human Resources Office of any work-related injury or illness.
3. The employer reserves the right to visit the designated work space for claim investigation purposes. Visits for claim investigation purposes will be conducted in accordance with this procedure and any policies or procedures applicable to the claim or loss asserted.

F. Security

1. The employee is required to abide by the acceptable use and security policies of their assigned permanent work location regardless of where they are conducting business.
2. Data accessed using privately owned equipment may only be stored on equipment issued by the employer.

3. The employee is responsible for the security of all official data in accordance with established guidelines.
4. Issued equipment must only be used for official duties, and may be used only by the employee to whom it is issued.
5. Employees are responsible for ensuring that non-employees do not have access to System Office or University files, records, or data in print or electronic format.

IV. Telecommuting

A. University Policies

1. In addition to the provisions outlined above, any established University telecommuting policies shall be developed to provide sufficient review and approval mechanisms to ensure that the evaluation of positions and employees eligible to telecommute is conducted consistently.
2. In developing and implementing telecommuting policies for University employees, University Presidents shall consider the following in order to ensure consistent review and approval of requests for telecommuting:
 - a. The extent to which the identified employee's job duties and responsibilities are capable of being performed at an alternate work site. In evaluating the employee's job duties and responsibilities, the University may consider:
 - i. The extent to which the position requires face-to-face contact with students, co-workers, the public, or other campus constituents; and
 - ii. Whether the need for direct handling of secure materials renders telecommuting inappropriate; and
 - iii. Whether the employee's job duties and responsibilities require on-site activity that cannot be performed as effectively at an alternate worksite; and
 - iv. Such other business-related criteria as are identified in the University's telecommuting policy.
 - b. Prior discipline of the employee within a two-year period, with particular consideration of discipline for leave abuse, performance issues, or violations of standards of conduct.
3. University policies may establish sufficient requirements, consistent with applicable bargaining agreements, to ensure that telecommuting:
 - a. does not diminish performance of the telecommuting employee;
 - b. does not result in a shift of job duties or responsibilities from the telecommuting employee to employees working at the permanent work site; and

- c. does not otherwise diminish University operations or administrative needs or costs.
- 4. Any University telecommuting policies may require completion of written telecommuting agreements, consistent with Attachments A, B, and C.