



## NCSSM Teleworking and Flexible Work Schedule Policy

### I. Purpose

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

### II. Definitions

- **Alternate Work Location:** a worksite other than a central workplace, including employees' homes and satellite offices, where official State business is performed.
- **Central Workplace:** an employee's assigned place of work or duty station owned or operated by the State or a site that is the primary workstation for field-based employees. Typically, a central workplace is a duty station from which an employer along with employees in the same work unit performs the functions of their job. However, an employee's home, in instances in which it is the primary workstation for field-based employees, may be considered the central workplace.
- **Flexible Work Schedule:** An alternate work schedule is where hours of work are performed by individual employees outside the typical work schedule for their unit. Supervisors and managers must ensure that flexible work schedules guarantee the business needs of the department/unit can



still be met in a timely manner. Examples of flexible work schedules include:

- **Split Scheduling:** Employees work a standard full-time workweek (i.e. 40 hours) with start and end times that differ from the regularly scheduled workday (ex. 6 a.m. to 3 p.m., M-F). This could also include a split schedule where the employee works a full 7, 7.5, or 8-hour day in two or more periods (ex. 6-10 a.m. and 4-8 p.m.).
- **Compressed Work Week:** Employees compress a full-time workload to complete all job responsibilities into fewer than five days per week (usually completing one week's work in four days, known as a "4/5" schedule) or in fewer than ten days over two weeks (usually completing two weeks' work in nine days, or "9/10"). Supervisors must pay close attention to compressed work schedules to ensure no potential payroll complications for overtime eligible employees. Flexible work schedules are not intended to limit the use of professional scheduling for FLSA exempt employees.

Flexible work can also include an occasional request by an employee to telework and perform work during workplace disruptions, including suspended operations, or for uninterrupted time to complete an assigned project or task as long as the supervisor approves in advance. Occasional teleworking/flexing work does not require a formal agreement but does require written approval by the supervisor. Occasional telework/flexible work is not a substitute for using time off for an employee's own illness or a family member's illness or if an injury interfered with the employee's ability to perform their work.

- **Hybrid Telework/Teleworking:** a flexible work arrangement in which supervisors direct or permit employees to perform some of their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed upon terms and requires a formal teleworking agreement.
- **Occasional Teleworking/Flexible Work:** an occasional request by an employee to telework and perform work during workplace disruptions, including suspended operations, or for uninterrupted time to complete an assigned project or task as long as the supervisor approves in advance. Occasional teleworking/flexing work does not require a formal teleworking agreement but does require written approval by the supervisor. Occasional telework/flexible work is not a substitute for using time off for an employee's own illness or a family member's illness or if an injury interfered with the employee's ability to perform their work.
- **Telework/Teleworking:** a flexible work arrangement in which supervisors direct or permit employees to perform all or some of their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms and requires a formal teleworking agreement.



- **Teleworker:** an employee engaged in teleworking.
- **Teleworking assignment:** means working from an alternative work location one or more full days per week on a regular basis.
- **Teleworking Agreement:** a signed, written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.
- **Work Schedule:** The employee's hours of work in the central workplace and/or hours of work in an alternate work location(s) as outlined in the teleworking agreement.

### III. Scope

- A. Covered employees include all full-time and part-time Faculty, Non-Faculty EHRA and SHRA employees in permanent, probationary, temporary or time-limited status. However, not all positions and/or employees will be eligible for teleworking and/or flexible considerations and no employee has the right to telework. Employees are encouraged to complete the [Is Teleworking Right for You? Employee Self-Assessment Tool](#) and to review the [NCSSM Teleworking and Flexible Work Schedule Guidelines](#) to determine if they and/or their position are suitable for teleworking and/or flexible work arrangements.
- B. The policy does not apply to requests for, or management of, workplace disability accommodation(s) under the Americans with Disabilities Act or under any other applicable federal, state or local laws or regulations. Employees seeking disability accommodation(s) should contact the Associate VC for Human Resources.
- C. Telework is not intended to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave or other types of leave. Teleworking agreements should not be used for purposes of avoiding taking leave or time off from work. Teleworking agreements should not be used for incidental or brief time periods that are best managed through the use of leave or other arrangements as agreed upon between the supervisor and teleworker.
- D. A teleworking assignment is not a substitute for regular or incidental child or dependent care and the teleworker is expected to be free of other personal responsibilities while performing teleworking duties. The teleworker shall continue to arrange for child or dependent care to the same extent as if the teleworker was working at the central workplace or use leave/flexible work scheduling for child or dependent care where



possible. The teleworker should avoid non- work-related activities that would conflict or distract from performing their duties and responsibilities during teleworking hours.

#### **IV. Policy**

- A. All NCSSM divisions and units are expected to be open onsite during regular business hours. Teleworking and flexible work arrangements shall be made with the expectation that business units have at least one employee onsite during regular business hours.
- B. Teleworking and flexible work assignments are made at the sole discretion of NCSSM. Therefore, the designation of a position(s) or employee(s) for teleworking or the termination of a teleworking agreement is neither grievable nor appealable. All other applicable grievance rights apply if they are in accordance with the appropriate grievance procedures for the particular category of employee. Examples of why a request may be denied include but are not limited to: a previously documented employee performance or conduct issue, employee's work cannot be conducted offsite, and/or unreliable internet connectivity.
- C. The availability and terms of teleworking and flexible work agreements shall be administered based upon applicable factors and without regard to an employee's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status.
- D. NCSSM may consider factors such as the employee's knowledge of job duties, reliability, ability to use required technology, suitability of the job tasks, ability to monitor and review work, amount of in-office reference material required, and need for physical security of data when making decisions about teleworking.
- E. Employees and/or their supervisors must consult with ITS regarding the storage of sensitive data (grades, medical, financial, or otherwise sensitive) if using non-NCSSM space for data storage. This includes any data not stored in departmental (W) drives or Google Drive. Training is available at the group and individual level from ITS on data security best practices.
- F. In general, the acceptance of a teleworking assignment is voluntary on the part of the employee. However, there may be instances when a supervisor may designate a position for all or part of the work schedule as a teleworking position, in accordance with Section V.B.



- G. As a condition of employment, the work schedule of a teleworker may require periodic travel to and from the duty station (*i.e.*, the Central Workplace) and the alternate work location. The purpose of this travel may include, but is not limited to, meeting attendance, purchase, receiving, distribution of supplies or documents, event attendance and/or other requests from the supervisor related to business needs. No reimbursement shall be made for transportation when commuting from an employee's alternate work location to the Central Workplace.
- H. Teleworking agreements between NCSSM and the employee will outline the specifics of a teleworking assignment and work schedule. Teleworking does not reduce the expectations for adhering to work schedules as defined by the Division, productivity and/or performance requirements of the position. Teleworkers are expected to meet and perform all duties and responsibilities of a given position. The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees, including but not limited to conduct or performance management. All salary, benefits, and employer-sponsored insurance coverages remain unchanged as a result of teleworking.
- I. Employee performance and conduct shall be considerations for granting or continuing a teleworking arrangement and such arrangement may be provided on a conditional or trial basis. For a teleworking arrangement to be considered and maintained, the employee should have a satisfactory attendance record, meet all performance expectations and conduct requirements in their current role, and consistently demonstrate the ability to complete tasks and assignments on a timely basis.
- J. Teleworking agreements for faculty are typically set for one academic term and may be renewed as approved by the supervisor and designated division approver. Teleworking agreements for staff are typically set for one academic term up to a year as defined by their supervisor, and may be renewed as approved by the supervisor and designated division approver. At the end of each defined term, the supervisor and employee shall meet and determine if the agreements will be renewed, modified, or terminated; final approval will be made by the division VC or designee. A teleworking agreement may be terminated at any time for any reason. Should a teleworking agreement be terminated, the employee will be provided with at least a ten-business day notification period to prepare for return to the central workplace.
- K. Campus office space shortages may affect the timing of reassignment back to the central workplace following the termination of a teleworking agreement. NCSSM's policy is to provide office space for teleworkers who desire to return to a campus-based office as a priority. However, it is



conceivable that lack of enough space on campus could result in certain individuals being required to continue teleworking.

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

## V. Procedures

- A. Employee Initiated: A covered employee can request consideration for a teleworking assignment by submitting a completed Employee Suitability Checklist to their supervisor.
- B. Supervisor Initiated: A supervisor can designate a position for all or part of the work schedule as a teleworking position in consultation with Human Resources and with designated division approval, following established processes for a job description update to include the telework schedule as a condition of employment.
- C. Supervisor & Designated Division Approver: The supervisor reviews and considers the covered employee's request, business and operational needs of the unit, the feasibility of whether the job duties of the position can be performed at an alternate work location, and whether the requesting employee can perform the job duties at an alternative work location (including satisfying the criteria in the [Teleworking and Flexible Work Schedule Guidelines](#). The covered employee's supervisor, together with the designated division VC or designee, have the authority to approve the teleworking request, and will notify the employee accordingly of the decision. If approved, the employee and supervisor will complete a [Teleworking and Flexible Work Schedule Agreement Form](#).
- D. Work Location Outside of North Carolina and the United States: No teleworking agreements will be approved for locations outside of North Carolina with the exceptions for states bordering NC and within a reasonable commuting distance of NCSSM (See IV.G).

The designated Division Approver in consultation with Tax Compliance and Payroll must ensure compliance with tax and other regulations in advance of approving any teleworking assignment where an employee will be based out



of state.

Exceptions may be provided based on operational needs, including but not limited to, recruitment of those with unique or scarce skills or arrival or departure of employees for a transitional period of relocation. All such exceptions must have the written approval of the Division Approver and Chief Human Resources Officer or designee. A teleworking arrangement may be approved concurrently with a new appointment provided that the employee is notified in writing that there is no guaranteed right to a telework arrangement and that any such allowance is subject to change.

- E. Human Resources: Human Resources system for tracking purposes and will provide necessary annual reporting on teleworkers in accordance with requirements from the NC Office of State Human Resources. The signed Teleworking and Flexible Work Schedule Agreement Form will be maintained in the employee's personnel file.
- F. Supervisor Review. The supervisor will review the teleworking agreement no later than three months after the commencement of the agreement to ensure the arrangements agreed upon continue to meet the business and operational needs of the unit, meet the Teleworking and Flexible Work Schedule Guidelines, and align with performance expectations and outcomes outlined for assigned duties and responsibilities.
- G. Continuation: If the supervisor continues the teleworking agreement, it will be evaluated at least annually thereafter (or sooner as deemed necessary and appropriate by the supervisor) and is otherwise subject to the same standards of continued approval set forth herein.
- H. Discontinuation: If the supervisor discontinues the teleworking agreement, the supervisor should provide the teleworker with appropriate notice of at least ten-business days as applicable.
- I. Quarterly Audit of Divisional Teleworking Agreements: Each quarter the divisional Vice Chancellor and/or their designee shall review all Telework and Flexible Work Schedule Agreements to ensure consistency and fairness.

## **VI. Special Circumstances**

- A. In the event of a catastrophic weather event, an outbreak of a communicable disease or pandemic, or other such significant emergencies, teleworking may be implemented by the chancellor or designee on a widespread basis. In such cases, employees may be required to work from alternate work locations in order to ensure the





continuity of the business and operational needs of the university.  
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- B. The chancellor or chancellor's designee has authority to determine whether special circumstances exist and implement teleworking on a required and/or more widespread basis. The decision will be communicated to those impacted.
- C. Mandatory employees will be designated accordingly by management during a special circumstance, notified of their status and be provided with information necessary to accomplish their tasks. This designation is subject to change at the discretion of management. Employees under this designation will be identified by management for areas as deemed essential to sustain NCSSM operations under a special circumstance and may be expected to report in part or in whole to the central workplace.
- D. The duration of a special circumstance may be longer than 30 days and NCSSM will set the requirements for renewal decisions about continuation of required telework on a case-by- case basis given the nature of the special circumstance. The reason for such a stipulation is to give both the university and impacted employees a reasonable expectation of the temporary nature of this provision and need for flexibility on setting duration.
- E. While the implementation of teleworking under special circumstances does not always require teleworking agreements, NCSSM or individual managers/supervisors may require teleworking agreements or other documentation in order to confirm agreed upon work expectations during a special circumstance. Any procedures established during special circumstances will supersede the procedures in Section V.