

Policy 705.11 – Telecommuting

Date Adopted: 8/19/09

Issuing Office: Administration & Finance

Date Revised:

Approved By:

References: UMW Policy 704.8

I. POLICY

The University of Montana Western allows telecommuting, the practice of working from home or another work site instead of physically traveling to the office, as a work alternative to employees when it would benefit both the University and the employee.

II. PURPOSE

The purpose of this policy is to provide guidelines for telecommuting as a possible work alternative for UMW employees. Telecommuting may serve to reduce absenteeism, improve employee recruitment and retention, improve productivity, and provide employees with greater flexibility in meeting their job and family needs. In addition, the reduced travel could provide direct air quality, transportation, and energy conservation benefits.

III. PROCEDURE

Telecommuting is not a formal, universal employee benefit; rather it is an alternative method of meeting the needs of the University and the employee. The University has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time. Employees are not required to telecommute and have the right to refuse to telecommute if the option is made available to them.

A. Eligibility

Not all jobs are suited for telecommuting. To assess whether telecommuting would fit the job, the supervisor and employee need to address the following issues:

- Does the position have clearly defined tasks?
- Can results and productively be effectively measured with limited supervisory observation?
- Can work products and tasks be completed without undue hardship on co-workers and others?
- Does the technology currently available permit telecommuting as an option?

The decision to allow an employee to telecommute will be made by the employee's supervisor and Dean/Director, with final approval by the Vice Chancellor for Administration & Finance/Student Affairs. Supervisors must take into account the employee's current areas of responsibility, need for and nature of interaction with co-workers and others, and appropriate measures of performance. Eligibility and suitability of employees to participate in telecommuting will vary among departments, offices, and work units, depending on the function and program responsibilities of the office and employee. Probationary employees are not eligible to participate in a telecommuting program.

B. Work Schedule/Hours

A regular telecommuting schedule, including specific days and hours, should be established in writing and approved by the supervisor. The amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program.

The employee will work at home, or at an alternate work site mutually agreed to by the employee and supervisor, during the hours agreed upon by the employee and supervisor. Changes to this schedule will be reviewed and approved in advance by the employee's supervisor.

The supervisor retains the right to require a telecommuting employee to return to the office on a regularly scheduled telecommuting day. If an employee is frequently required to return to the office during regularly scheduled telecommuting days, the supervisor may re-evaluate the compatibility of the employee's position and job responsibilities with telecommuting.

C. Work Standards/Performance

The conditions of employment and the work performance standards for telecommuters remain the same as for non-telecommuting employees.

The employee will meet with his or her supervisor to receive assignments and to review completed work as requested, necessary, or appropriate. The employee will complete assigned work, according to work procedures and expectations established by the supervisor.

D. Employee Access and Availability

Telecommuting employees must be available by telephone during scheduled work hours. Telecommuting employees are required to modify their voice mail announcement to indicate that they may be reached at an alternative number or that the employee will be regularly checking for messages. Employees are required to frequently check for messages during the day. Telecommuters must notify the office if they leave their telecommuting location during work hours.

D. Work Space

The employee's off-site workspace will be considered an extension of the University's workspace. Before participating in a telecommuting agreement, the employee must provide a written description of the intended workspace. The workspace must provide adequate work area, light, telephone service, power, and temperature control. The employee must maintain the workspace in a safe condition, free from hazards and other dangers to the employee and equipment.

As part of the monitoring process for the telecommuting program, the employee must agree that the University may make on-site visits to the remote work location for the purpose of determining that the site is safe and free from hazards, and to maintain, repair, inspect, or retrieve University-owned equipment, software, data, or supplies.

The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with use of the employee's residence or other non-University location. Homeowners' insurance and any changes in rates or coverage are the sole responsibility of the employee.

F. Equipment/Expenses

Office equipment needed to participate in telecommuting may vary by employee and task. The University will not purchase or reimburse a telecommuting employee for equipment necessary to function in a telecommuting work environment. Employees may use their own equipment (e.g., personal computer, modem, answering machine, fax machine, etc.) provided the University incurs no cost. Repair and maintenance of employee-owned equipment is the responsibility of the employee.

Employees may use University-owned equipment and/or supplies, with prior supervisory approval, provided only the authorized employee will use the equipment for work-related purposes and supplies.

Employees who use University equipment at home must agree to protect such equipment from loss or damage.

Telecommuting employees may be reimbursed for long distance telephone calls made from the employee's personal telephone, provided appropriate documentation is submitted for reimbursement.

G. Compensation/Benefits

The employee's compensation, benefits, work status, and work responsibilities will not change due to participation in the telecommuting program.

Employees, who work overtime with advance approval, or at the request of his or her supervisor, will be compensated in accordance with applicable laws, collective bargaining agreement, and University policy. Failure to obtain prior approval for overtime work may result in removal from telecommuting and/or other appropriate action.

Supervisory approval must be obtained prior to taking leave.

H. Liability

The University will be liable for job-related accidents that occur in the employee's off-site workspace during the employee's established working hours. The University assumes no liability for injuries occurring in the employee's off-site workspace outside the agreed-upon work hours. The University will not be liable for injury to others in the employee's home or other off-site location during working hours.

In the case of an injury while working at off-site, the employee will immediately (as circumstances permit) report the injury to his or her supervisor and obtain appropriate medical treatment. A Worker's Comp Employer's First Report form must be completed as soon as possible and submitted to the Human Resource Services Office. The supervisor, or designee, and the Safety Officer will investigate all accident and injury reports immediately following notification.

I. Confidentiality/Security

To insure hardware and software security, the supervisor prior to installation must approve all software used for telecommuting. Restricted-access materials cannot be taken out of the office or accessed through the computer unless approved in advance by the supervisor.

The employee must follow department-approved data security procedures at the alternate work site to protect the department or University records from unauthorized disclosure or damage, and comply with the privacy requirements set forth in state law and University policy.

J. Application Process

Employees wishing to telecommute must discuss the possibility with their supervisor. If both parties agree to telecommuting, the *Telecommuter's Assignment* form must be completed. This form contains information concerning current responsibilities, the proposed telecommuting schedule, the types of work tasks and activities to be performed at the off-site workspace, and a description of the off-site workspace and appropriate equipment, including any personal computer hardware and software.

Once the *Telecommuter's Assignment* form has been completed and signed by both the employee and the supervisor, both parties must sign the *Telecommuting Agreement* prior to beginning the telecommuting program. This agreement specifies the terms and conditions. The agreement must be approved by the appropriate Dean or Director and the Vice Chancellor for Administration & Finance/Student Affairs prior to implementation.

IV. AUTHORITY

UMW Policy 704.8

V. RESPONSIBILITY

Vice Chancellor for Administration & Finance/Student Affairs, Supervisors, Deans/Directors

TELECOMMUTING AGREEMENT

This Agreement, effective _____, is between _____, an employee (hereinafter referred to as “Employee”), and _____ (hereinafter referred to as “University”).

The parties agree as follows:

Scope of Agreement - Employee agrees to perform services for the University as a “Telecommuter.” Employee agrees that telecommuting is voluntary and may be terminated at any time, by either the University or Employee, with or without cause.

Other than those duties and obligations expressly imposed on Employee under this Agreement, the duties, obligations, responsibilities and conditions of Employee’s continued employment with the University remain unchanged.

Term of Agreement - This Agreement will become effective as of the date written above, and will remain in full force and effect, as long as Employee telecommutes, unless Agreement is terminated.

Termination of Agreement - Either party may terminate Employee’s participation in the telecommuting program, with or without cause, upon reasonable notice, in writing, to the other party. The University will not be held responsible for costs, damages or losses resulting from cessation of participation in the telecommuting program. This Agreement is not a contract of employment and may not be construed as such.

Work Hours, Overtime, Vacations - Employee agrees that work hours, overtime compensation and vacation scheduling will conform to the terms agreed upon by Employee and the University.

Telecommuting and Incidental Equipment - Employee agrees that use of equipment, software, data, and/or supplies, provided by the University for use at the alternate work location, is limited to authorized persons and for work-related purposes.

The University, at its sole discretion, may choose to purchase equipment and related supplies for use by Employee while telecommuting or permit the use of Employee-owned equipment. Equipment purchased by the University will remain the property of the University. The University does not assume liability for loss, damage or depreciation of Employee-owned equipment.

Employee agrees to designate a workspace within Employee’s alternate work location for placement and installation of equipment to be used while telecommuting. Employee shall maintain this workspace in a safe condition, free from hazards and other dangers to Employee and equipment.

Employee agrees that the University may make on-site visits to the alternate work location for the purpose of determining that the site is safe and free from hazards, and to maintain, repair, inspect or retrieve University-owned equipment, software, data or supplies. In the event legal action is necessary to regain possession of University-owned equipment, software data or supplies, Employee agrees to pay all costs incurred by the University, including attorneys’ fees, should the University prevail.

Furniture, lighting, environmental protection and household safety equipment, incidental to use of University-owned equipment, software and supplies, will be appropriate for their intended use and will be used and maintained in a safe condition, free from defects and hazards.

Liability for Injuries - Employee understands that Employee remains liable for injuries to third persons and/or members of Employee’s family on Employee’s premises. Employee agrees to defend, indemnify and hold harmless the University, its affiliates, employees, contractors and agents from and against any and all claims, demands or liability (including any related losses, costs, expenses and attorneys’ fees) resulting from, or arising in connection with, any injury to persons (including death) or damage to property, caused directly or indirectly, by the services provided herein by Employee or by Employee’s willful misconduct or negligent acts or omissions in the performance of Employee’s duties and obligations under this Agreement, except where such claims, demands or liability arise solely from the gross negligence or willful misconduct of the University.

Certification - I affirm by my signature below that I have read this Agreement and understand its subject matter. I affirm that I was given the opportunity to have this Agreement viewed by my own counsel prior to entering into it.

_____	_____
<i>Date</i>	<i>Employee’s Signature</i>
_____	_____
<i>Date</i>	<i>Supervisor’s Signature</i>

ANSWERS TO COMMON TELECOMMUTING QUESTIONS

What is telecommuting?

Telecommuting is the concept of working from home or another off-site location, one or more days a week. Telecommuting may offer a more productive working environment with fewer distractions, which results in better job performance, increased employee morale and job satisfaction, and reduced absenteeism and sick leave usage. Telecommuting may also help retain valued employees and recruit new people while improving the quality of life in our campus community.

Is telecommuting an employee benefit?

Offering the opportunity to work at home is a management option; telecommuting is not an employee benefit or right. Supervisors may select employees who have the abilities and circumstances at home necessary to telecommute. An employee's participation in the program is entirely voluntary.

How do I know that telecommuters are really working?

The conditions of employment and the work performance standards for telecommuters remain the same as for non-telecommuting employees. The employee meets with the supervisor to receive assignments, and completes the assigned work according to the work procedures and expectations established by the supervisor. The employee's completed work product is the indicator of the work performed by the telecommuter.

Will employees work less if they are working at an alternate work site unsupervised?

Not necessarily. Survey results show marked improvements in productivity. Productivity typically increases because employees have fewer distractions and interruptions, work at their peak times, and experience less stress due to the absence of the commute to work.

What if telecommuting doesn't work out?

Both the telecommuter and the supervisor should understand that if telecommuting does not work out for an individual, it may not in any way reflect on that individual's ability to perform his or her job. The employee or the supervisor may terminate telecommuting without cause.

What are the issues that telecommuters should be aware of?

Coping with Interruptions: Often, friends, neighbors and family members do not realize that a telecommuter is working. A telecommuter must learn to keep interruptions to a minimum.

Designating Space: A designated work area is recommended for telecommuting. A separate workspace may result in fewer distractions or interruptions and a higher level of discipline and organization.

Gaining Support: A family or supervisor's attitude may sometimes be detrimental to a telecommuting arrangement. A telecommuter must gain the support and understanding of those around them.

What happens if the employee is injured while working?

Since the employee's alternate work area is an extension of the office, if the employee is hurt while working, he or she is covered for worker's compensation. The employee must notify his or her supervisor immediately and complete the necessary documents regarding injury. Because an injury is outside the traditional work place, the supervisor and the Safety Officer must be sure to investigate all reports immediately upon notification. The completed Employers First Report form must be submitted to the Human Resource Services Office.

How do I ensure that the alternate work location is safe, and how is a claim for injury handled?

It is the employee's responsibility to ensure that their home workspace complies with health and safety requirements. Home office must be clean and free of obstructions. The home must be in compliance with all building codes and free of hazardous materials. Management may deny or cancel the telecommuting agreement based on safety problems in the home. The employer may make on-site visits to the alternate work location for the purpose of determining that the site is safe and free from hazards, and to maintain, repair, inspect or retrieve employer-owned equipment, software, data or supplies

Is telecommuting a substitute for child or elder care?

No. A telecommuter must focus on his or her job, not handle demanding child- or eldercare situations. However, telecommuters are better able to manage their work/family schedules because they have greater flexibility in their work hours.

Can telecommuting result in reduced use of sick leave?

Yes. An employee working in the regular office usually has to use a half-day of sick time to get to a doctor or dental appointment. A telecommuter can take an hour or two for the appointment and then return to work, thereby taking perhaps two hours instead of four hours. Also, often an employee that does not feel well enough to drive to the office or whose child is sick may work some hours at home.