Preamble

It is the policy of Elizabeth City State University (ECSU) to designate employees to work at alternate work locations for all or part of the work week in order to promote general work efficiencies. ECSU has established these rules so that teleworking may be offered as a work option to ensure competitive advantages and to meet the environmental and budgetary challenges of the future as directed by the legislature and governor. Pursuant to the mandate contained in G.S. 126-1 to apply the best methods of personnel administration, as evolved in business and industry, ECSU has established the following rules to provide assistance to employees participating in teleworking programs.

This policy is established and designed so that a reasoned determination can be made as to the benefits of teleworking within ECSU. ECSU has a special obligation to insure that employees and work resources are being used efficiently and productively. To the extent that any provisions of this policy conflicts with the Office of State Personnel (OSP) policy statement on the Teleworking Program, the OSP version shall control.

1. Covered Issues
   Under this policy, covered employees and issues are defined accordingly:

   A. All full-time and part-time (half-time or more) SPA and EPA employees with permanent, probationary, trainee, or time-limited status are eligible to participate in the program.

   B. Temporary, intermittent and part-time (less than half-time) employees are not eligible to participate in this program.

   C. The decision whether to allow a position or an employee to telework is wholly within ECSU’s management discretion and is not appealable to the Office of Administrative Hearings for SPA employees.

2. Definitions
   The following definitions shall apply under this policy:

   A. **Alternate Work Location**
      A worksite other than a central workplace and can include the employees’ homes and satellite offices where official state business is performed.
B. **Central Workplace**
An employee’s assigned place of work or duty station owned or operated by ECSU 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 perform the functions of their job. An employee’s home, in instances in which it is the primary workstation for field based employees, may be considered the central workplace.

C. **Telework/Teleworking**
A flexible work arrangement in which supervisors direct or permit employees to perform their job duties away from their central workplace, in accordance with their same performance expectations and other approved or agreed-upon terms. It does not include work performed at a temporary work-site for limited duration.

D. **Teleworker**
An employee engaged in teleworking.

E. **Teleworking Agreement**
A written agreement that details the terms and conditions by which an employee is allowed to engage in teleworking.

F. **Work Schedule**
The employee’s hours of work in the central workplace and/or in alternate work locations.

3. **OSP Responsibility**
The Office of State Personnel will administer an office to provide guidance to State agencies developing teleworking programs and to monitor the savings provided by such programs. ECSU shall report teleworking activities to the Office of State Personnel.

4. **ECSU Designates Position/Employee for Teleworking**

A. ECSU may allow employees to engage in teleworking in compliance with these rules:

1. The Senior Administrator of the division holds the responsibility for approving the employee and job that shall be teleworked under the appropriate conditions.

2. The ECSU teleworking internal policies and procedures shall identify the criteria for jobs that are designated as telecommutable and shall identify the criteria for selecting employees who are eligible to engage in teleworking.
3. The ECSU supervisor and employee shall mutually agree upon teleworking arrangements; if business necessity dictates, ECSU may require an employee to telework or not to telework.

B. Offering the opportunity to work at home is a management option. Teleworking is not a universal employee benefit. Any teleworking situation is voluntary for the employee and at the discretion of ECSU management and/or the employee’s supervisor.

5. **Conditions of Employment**
The policies and procedures that normally apply to the central workplace shall remain the same for teleworking employees. This shall include but not be limited to performance management. Teleworking assignments do not change the conditions of employment or required compliance with ECSU and state policies and rules.

6. **Designation of Terms of Teleworking Arrangements**
All teleworking arrangements shall be written and include the responsibilities of both ECSU and the employee. Each participant in a teleworking arrangement must sign the ECSU Teleworking Agreement form that contains the terms of the teleworking arrangement. The document shall define the parameters of the teleworking arrangement and shall comply with the policy provision below:

A. **Compensation and Benefits**

1. An employee’s compensation, benefits, and leave accrual will not change when he/she teleworks. Employees who telework are expected to be working at their home or designated teleworking site during their teleworking work schedule. Personal leave time normally scheduled during a teleworking employee’s scheduled workday must be arranged in the same manner with his/her immediate supervisor as employees at the ECSU worksite.

2. Employees on a teleworking schedule shall continue to accrue vacation and sick leave benefits at the same rate as an employee who is not working a teleworking arrangement. The teleworking employee’s salary, retirement, and benefits remain unchanged.

B. **Safety and Liability**
The supervisor and employee shall consult with university safety officials to provide reasonable assurance that materials, equipment and furniture supplied the employee at the alternate work location comply with safety standards. In accordance with this policy, the employee’s home work space is an extension of the ECSU work space; the State’s liability for job-related accidents will continue to exist during the employee’s approved work hours and the employee’s
designated work location. Worker’s compensation shall not apply to non-job related injuries that occur in the alternate work location. A section of the ECSU Teleworking Agreement shall include specific policy guidelines regarding material management, equipment and furniture inventory, and safety and liability guidelines.

C. Restricted-Access Materials
ECSU supervisors must grant permission for teleworkers to work on restricted-access information or materials at alternate work locations. It is the responsibility of the teleworking employee to maintain a high level of confidentiality of ECSU information, files and documents. Teleworking employees shall prevent unauthorized access to any university system or information, and shall dispose of work related documents in a manner that will not jeopardize the interests of ECSU. Teleworkers shall agree to follow ECSU-approved security procedures in order to ensure confidentiality and security of data.

D. Work Hours

1. The total number of hours that employees are expected to work shall not change, whether they are worked at the central or at the alternate work location. Employees may not work overtime while teleworking without prior approval of the supervisor. This does not restrict the use of alternative work schedules. ECSU must ensure that procedures are in place to track the work hours of employees who telework and to document the hours worked by employees covered by the Fair Labor Standards Act. Employees shall apply themselves to their work during designated work hours and not engage in other activities that are not work-related.

2. Teleworking employees may, at the discretion of their immediate supervisor, be requested to work at ECSU on their regular teleworking workday during work hours to meet workload requirements. The supervisor shall give a one day advance notice, if possible, when the teleworking employee is requested to report to campus.

E. Equipment and Software

1. The ECSU Teleworking Agreement shall set forth the equipment, services and software that will be provided by ECSU, and the items that will be provided by the employee. The provided equipment shall remain the sole property of ECSU and shall not be used by the employee for personal use, and shall be returned to ECSU upon termination of the agreement.

2. The teleworking employee shall maintain appropriate care and security of any equipment supplied by the university. Teleworking employees are
subject to the same internal university policies regarding use of ECSU provided equipment, software and services as that of employees at the ECSU worksite. Teleworking employees are responsible for any damage or theft of ECSU owned equipment.

7. **Termination of Teleworking Arrangement**

ECSU may terminate the teleworking agreement at its discretion. Termination of a teleworking arrangement by ECSU management is not grievable to the Office of Administrative Hearings (OAH) under personnel policies. All other grievable rights that normally apply to the central workplace shall remain the same for teleworking employees.