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REQUIRED ACTION:

- Employees are responsible for reading and following this policy.
- Managers are required to have every employee and new hire read and acknowledge this policy.

PURPOSE

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.” Therefore, to be compliant with the law, the decision to allow telecommuting should be based on clearly defined and measurable benefits for the agency and the taxpayers.

The purpose of this policy is to define the agency’s telecommuting program and the rules under which it will operate. This policy is designed to help supervisors and employees understand telecommuting. This policy does address informal, intermittent, temporary, or emergency remote work.

Employees authorized to telecommute shall be rated according to the metrics of the CHE telecommuting business case submitted to and approved by the Department of Administration’s (Admin’s) Division of State Human Resources (DSHR).

AUTHORITY

The President and Executive Director has the authority to establish a telecommuting program within the agency, based on S.C. Code 8-11-15(B) of the South Carolina Code of Laws, as amended, and the Telecommuting and Remote Work Policies and Procedures established by the South Carolina Department of Administration’s (Admin) Division of State Human Resources. The President and Executive Director or designee has the ability to set the work schedule and work location for agency employees. Each telecommuting program should be implemented following the Telecommuting and Remote Work Policies and Procedures published by DSHR and all other appropriate federal and state laws, as well as agency regulations and policies.

If any agency intends to allow regular telecommuting for any employees, a telecommuting policy and plan must be approved by DSHR prior to the agency allowing telecommuting. DSHR reserves the right to revoke the approval of a telecommuting plan for any agency found out of compliance with its approved telecommuting plan or if telecommuting is found to be adversely affecting the quantity or quality of work at the agency. If this occurs, employees within the agency will not be permitted to continue regular telecommuting arrangements.

DEFINITIONS:

Telecommuting/Teleworking — a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their official work location, in accordance with telecommuting agreements. Work from home on days when the office is closed for weather OR field work where employees work at client or customer locations throughout the workday except for incidental and de minimis times where the employee needs to work from home, or an alternate work location does not constitute telecommuting.

May also be referred to as remote work. Three main categories of telecommuting exist:

- Planned, recurring telecommuting that happens every week unless operational needs change. For example, an employee that telecommutes every Tuesday unless a project, meeting or workload requires an in-office presence. This level of telecommuting requires a formal agreement between the employee and the SC Commission on Higher Education, and the time telecommuting must be tracked in SCEIS. Regular Telecommuting is limited to no more than two days per week. Telecommuting for more than two days per week may only be permitted if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. An employee is not permitted to telecommute on: (1) both Monday and Tuesday; (2) Thursday and Friday; or (3) Friday and the following Monday as part of a regular telecommuting arrangement.
- Periodic, intermittent, telecommuting arrangements such as when 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 the formal agreement or checklist process. While it is not required that employees in these arrangements sign a telecommuting agreement, the Office Director will document the approval of the periodic, intermittent telecommuting arrangement in writing with the employee. These telecommuting arrangements must be reported to the agency's HR liaison and Shared Services HR.
- Temporary or emergency telecommuting may be used during short-term illness, such as when an employee is contagious but otherwise able to work. Using telecommuting in this capacity may require valid documentation from a health care provider. Temporary or emergency telecommuting may also be used during transportation emergencies due to weather, a natural disaster, pandemic health crises, or other similar unplanned emergency events. This level of telecommuting does not require a formal agreement or checklist process. These arrangements require written approval between the employee and their Office Director. These arrangements should be limited to the duration of the short-term illness, transportation emergency due to weather, natural disaster, pandemic health crisis, or other similar unplanned emergency events. The Office Director shall forward the written approval to the agency's HR Liaison and Shared Services HR.

Primary Workplace: The telecommuter's usual and customary agency workplace. This primary workplace may include the Agency's other office locations (e.g., satellite or county offices) in which the employee occasionally works. For employees who primarily work in the field, or who are full-time telecommuters, the primary work location should still be an agency office.

Alternate Work Location(s): The employee's telecommuting work address(es). The alternate work location is documented in the employee's telecommuting agreement. An employee may have one or more approved alternative work locations.

Split Day: CHE employees may work "split" days, i.e., working part of the day at the alternative worksite and the other part of their day at the official work location. However, any portion of one day in which an employee telecommutes will count as a day of telecommuting according to this policy.

Telecommuting Agreement: The signed document (Form 507A) that outlines the understanding between the agency and the employee regarding the telecommuting arrangement. A telecommuting agreement should be renewed at least annually. The telecommuting agreement should be reviewed and updated if there is a permanent change to the employee's job duties or if the provisions of the telecommuting agreement change. Telecommuting agreements are not transferable from one position to another.

Telecommuting Application: The document (Form 507B) used by supervisors and employees to evaluate the employee's ability to successfully telecommute.

Telecommuter or Teleworker: An employee who has an agreed-upon schedule during which they are expected to work at a telecommuting location rather than the Agency's primary location.

Telecommuting Coordinator: The person responsible for providing support to telecommuting employees and their supervisors and monitoring the success of the telecommuting program. At CHE the HR liaison is the telecommuting coordinator.

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 to provide dependent care or when addressing other personal responsibilities. This includes time spent caring for ill household members or other people.

Cognitive Impairment: Under no circumstances may an employee conduct agency business while cognitively impaired.

GUIDELINES

I. Policy

Telecommuting is a flexible work arrangement that allows an employee to work at an alternate work location. Telecommuting is a management option and not a universal employee benefit or right. Telecommuting may not be suitable for all employees and/or positions. **The decision to allow an employee to telecommute is solely at the discretion of the President and Executive Director. The agency may revoke the approval of any employee to telecommute at any time, with or without notice and the decision to revoke the ability to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act.**

Generally, an employee's participation in the CHE's telecommuting program is voluntary and must be mutually agreed upon by the employee and supervisor, with final approval by the President and Executive Director or designee. The President and Executive Director or designee may, however, designate a position as telecommuting only if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. In this case, telecommuting would not be voluntary.

The President and Executive Director and any employee who reports directly to the President and Executive Director are not permitted to telecommute. To be eligible to participate in telecommuting, an employee must have completed one year of satisfactory employment with CHE. This requirement may be waived if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee. Employees subject to a warning period of substandard performance or performance improvement plan or those who were recently subject to disciplinary action are not eligible for telecommuting.

With the exception of positions classified as telecommuting only, or employees who have received approval for periodic, intermittent or emergency telecommuting, CHE employees shall only receive approval to telecommute for a maximum of two days each week. An employee is not permitted to telecommute on: (1) both Monday and Tuesday; (2) Thursday and Friday; or (3) Friday and the following Monday as part of a regular telecommuting arrangement. Telecommuting for more than two days per week may only be permitted if recommended by the Division of State Human Resources (DSHR) and approved by the Governor or the Governor's designee.

Each Office Director shall schedule at least one day per week where all of the office's employees will be required to work the entire day from the official work location. An employee may be directed to report to the official work location on a scheduled or an as-needed basis even on scheduled telecommuting days.

Telecommuting staff may be required to share space with other staff members at the official work location depending on the agency's space needs and availability.

II. Employee Eligibility

A. To be eligible to apply for telecommuting, an employee must:

1. Have worked with the agency for a minimum of 12 months consecutively and must have successfully proven their capability to effectively perform the job functions of the position outside of the primary workplace. Supervisors will use form HR-507B to rate the employee, with the minimum rating score of 75% for eligibility; and
2. Not be in a warning period of substandard performance, performance improvement plan, or recently subject to disciplinary action. These employees are not eligible for telecommuting.
3. Not be the President and Executive Director or a direct report to the President and Executive Director.
4. Have successfully completed assigned trainings related to working in a virtual environment, which includes, but is not limited to, Microsoft TEAMS training.

III. Application and Employee Selection

Telecommuting may not be suitable for all employees or positions. Participation in telecommuting should be based on the ability of the employee to perform tasks that can be completed from an alternate workspace, such as a home office, and management's assessment of the employee's ability to complete these tasks satisfactorily. An employee must complete a Telecommuting Application and Safety Checklist, forms HR-507B and HR-507C, and submit the request through their supervisor and CHE Human Resources or designee for approval by the CHE President and Executive Director. If approved, a Telecommuting Agreement must be completed by the employee and the supervisor and signed by the CHE President and Executive Director prior to the employee beginning the telecommute program.

The CHE President and Executive Director may request additional information as deemed necessary to consider the telecommuting request. Selection of employees shall not be arbitrary nor based on seniority but shall be based on specific work-related criteria established by management. The CHE President and Executive Director will identify a list of skills and characteristics deemed necessary for the employee to be a successful telecommuter. Only employees meeting these standards will be approved for telecommuting. The CHE President and Executive Director's decision whether to grant a request to telecommute is final.

IV. Telecommuting Employee's Conditions of Employment

The employee's duties, responsibilities, and conditions of employment remain the same as if the employee were working at the employee's official work location. The telecommuter's supervisor may, however, assign additional duties related to communication, work progress and productivity.

The employee will continue to comply with all federal laws, state laws, and CHE policies and procedures while working at the alternate work location(s). This includes Fair Labor Standards Act (FLSA) requirements related to the payment of time worked and overtime compensation. The employee shall remain subject to all agency disciplinary policies and procedures while performing work at the alternate workplace. 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 official work location.

V. Hours of Work, Overtime Hours, and Time Reporting

Work hours, 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 CHE in the same manner as when the employee works at the employee's official work location. A telecommuting employee shall not work overtime or receive compensatory time unless authorized in advance by the Office Director or designee. Regular communication through weekly in-person team meetings at the official work location is required. An employee must forego telecommuting if needed in the official work location on a regularly scheduled telecommuting day. Telecommuting employees shall attend called meetings throughout the workweek as instructed by the CHE President and Executive Director or management. The CHE President and Executive Director or management should provide reasonable notice whenever necessary and possible. However, the employee may be directed to report to the official work location without advance notice, as needed.

The Office Director will establish the schedule of days and hours for a telecommuting employee based on the office's needs. Each Office Director shall ensure at least one of their employees works from the official work location every workday. Employees must abide by their Telecommuting Agreement, form HR-507A. Any changes in telecommuting schedules will require a new approved Telecommuting Agreement.

The CHE must be able to contact the employee during the scheduled work hours. Therefore, an employee must request leave when they are unavailable to work during their approved schedule of hours.

Telecommuters are expected to be working and focused on the performance of their job duties during work hours. Telecommuting is not a substitute for child or elder care. 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, or before and after work hours. 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.

If an employee is found in violation of these requirements, they may lose their telecommuting privileges and face disciplinary action.

Working hours cannot coincide or overlap with any other type of employment.

VI. Test Period

A test period of 3 months will be established. Management will evaluate the success of the employee's telecommuting arrangement at the conclusion of the test period. Based on management's recommendation, the test period may be extended for an additional 3 months, the number of teleworking days may be reduced, or the employee may not be allowed to telecommute. The employee may reapply for telecommuting after an additional 6 months at the agency.

VII. Designating the Alternate Workspace

The employee will work at the official work location or the approved alternate work location(s), and not from unapproved sites. Failure to comply with this provision may result in termination of the agreement and other appropriate disciplinary action. The agency will establish agreed-upon expectations relative to the time the employee would need to spend in the official work location and to give adequate notice when these expectations are subject to change, when possible. However, the employee may be required to report to the official work location without advanced notice, upon request by the CHE President and Executive Director or designee.

The employee must agree to designate a workspace in the alternate work location site for the purposes of telecommuting and maintain this area in a safe condition, free from hazards and other dangers to the employee, CHE's equipment, and CHE data. It is the employee's obligation to ensure the safety of the designated workspace and compliance with all health, safety, and confidentiality requirements. The employee agrees to complete and return the CHE Telecommuting Safety Checklist. The employee must submit this checklist to the CHE at the time of application. The employee agrees that the CHE shall have reasonable access to the designated workspace for all reasonable purposes, including but not limited to inspection of the space, supervision of the employee, and retrieval of CHE-owned property and information.

No employee engaged in telecommuting will be allowed to conduct face-to-face, CHE-related business with non-agency personnel at the alternate work location(s). The employee will be liable for injuries or damages in the alternate work location(s) to the person or property of third parties, including any members of the employee's family, and agrees to indemnify the CHE for any such claims.

The employee understands that the CHE will not reimburse the cost of home-related expenses, including but not limited to heat, water, electricity, internet access, and insurance.

If the alternate work location is in the employee's home, the employee is responsible for reviewing their home or rental insurance to ensure there is no prohibition against a home office and any relevant zoning requirements to ensure a home office is permitted.

VIII. Office Inspections

CHE reserves the right to inspect the designated workspace to determine whether all requirements are met.

IX. Employee and Office reporting

Every employee who telecommutes as part of their normal telecommuting schedule must record telecommuting hours each day they work at the alternate work location using the Telecommuting Attendance Code in SCEIS. Managers will need to approve this time. Note that both FLSA exempt and non-exempt employees will be required to enter their telecommuting time.

Each CHE Office is required to provide a weekly report to the agency human resources personnel documenting any deviation from the agency's approved telecommuting plan. This includes employees working in the office on days they are scheduled to telecommute or telecommuting on days they are scheduled to be in the office. This also includes employees who telecommute but do not have a normal telecommuting schedule.

X. Workers' Compensation

The designated workspace in the alternate work location, as approved, is considered an extension of the employee's official work location; therefore, workers' compensation will continue to exist for the employee when performing official work duties in the designated workspace during approved telecommuting hours. Any work-related injuries must be reported to the CHE President and Executive Director and CHE Human Resources or designee immediately, and the employee must complete all necessary or management requested documents regarding the injury. For more information, please refer to HR-304 – Workers' Compensation.

XI. Security of State-Owned Equipment and Documents

CHE-established security controls and conditions for use of the State-owned equipment for the regular office will also apply to the alternate work location.

All official CHE records, files, and documents must be protected from unauthorized disclosure or

damage and returned safely to the official work location whenever requested by the CHE. The employee will return all CHE equipment, files, documents and supplies to the CHE immediately upon termination of telecommuting or of the employee's employment.

XII. State-Owned Equipment

Support, maintenance, repair, and replacement of State-owned equipment issued to telecommuters are the responsibility of CHE. In the event of equipment malfunction, the telecommuter must notify the supervisor immediately. If repairs will take some time, the telecommuter may be directed to report to the official work location until the equipment is usable.

XIII. Employee-Owned Equipment

Use of an employee-owned computer is not allowed. CHE will provide a laptop, approved by the SC Department of Administration's Division of Technology Operations (DTO), and other equipment needed for the telecommuting employee to complete his/her job functions.

XIV. Telecommunication Equipment

CHE will provide employees a cellphone, laptop, and videoconferencing software to stay connected.

XV. Computer Responsibilities

The employee agrees to abide by any rules promulgated by the CHE concerning the use of computer equipment and understands that these rules may be changed at any time. The employee agrees to follow CHE's procedures for network access and to take all necessary steps to protect the integrity of systems including but not limited to: Not making passwords available to anyone else; not allowing others to see passwords when the employee is working; not posting passwords where others can see them; and locking the laptop screen when leaving the work area.

In addition, the employee shall ensure that the wireless network the employee uses at his/her alternative work locations(s) is not accessible by the public and has a minimum 1 Megabit per second upload speed.

XVI. Termination of Participation

An employee's participation in the CHE's telecommuting program is voluntary. The CHE President and Executive Director or employee may terminate the telecommuting arrangement at any time with or without cause unless telecommuting is a condition of employment. **The CHE President and Executive Director may revoke the approval of any employee to telecommute at any time, with or without notice, and the decision to revoke the right to telecommute is not a grievable action under the South Carolina Employee Grievance Procedure Act. If an employee's telecommuting agreement is revoked, the employee shall be ineligible to reapply for telecommuting for a minimum of six (6) months.**

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APPROVED BY:

SC Commission on Higher Education President and Executive Director

ATTACHMENTS: [HR-507A Telecommuting Agreement](#), [HR-507B Telecommuting Application](#), [HR-507C Telecommuting Safety Checklist](#)