



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### HSCEP OP: 70.57, **Employee Telecommuting Policy**

**PURPOSE:** It is the policy of Texas Tech University Health Sciences Center El Paso (HSCEP) to permit telecommuting as provided by this policy when, in the sole discretion of the University, it will enhance the productivity of the employee and the work unit.

**REVIEW:** This HSCEP OP will be reviewed on August 15 of each odd numbered year (ONY) by the Executive Director for Human Resources or designee, with recommendations for revision submitted to the Chief Financial Officer/Chief Operating Officer or designee by September 1.

### **POLICY/PROCEDURE:**

1. **Scope:**  
This policy applies to all benefits eligible staff employees of the HSCEP. It does not apply to faculty or those persons whose positions require student status as a condition of employment.
2. **Authority:** Texas Government Code, Chapter 658.010 and 659.018.
3. **Definitions:**
  - a. **Telecommuting** is routinely working one or more days per week at a location other than an employee's regularly assigned place of employment under an agreement approved pursuant to this policy.
  - b. **A regularly assigned place of employment** is the location on the University campus where an employee usually and customarily reports for work. The regularly assigned place of employment is considered an employee's workstation for all pay, leave and travel purposes.
  - c. The **campus** is all buildings or facilities under the control of the University, regardless of location.
4. **Procedure:**
  - a. **Telecommuting and the Employment Relationship**  
Telecommuting is a management option, not an employee right or benefit. Participation in telecommuting is voluntary in nature and no employee is required to participate as a condition of employment. The existence of a telecommuting agreement in no way alters an individual's employment relationship with the University or the employee's obligation to observe all applicable University rules, policies and procedures. All existing terms and conditions of employment including, but not limited to, the position description, salary, benefits, vacation, leave and overtime remain the same as they would be if the employee worked only at his or her regularly assigned place of employment.
  - b. **Agreement Required**  
All telecommuting must be performed pursuant to a Telecommuting Agreement ("Agreement") (Attachment A) between the employee and supervisor. The Agreement shall comply with the requirements of this policy, be completed and signed by the employee and the employee's supervisor and must have the approval of the employee's unit head, the Dean or Director, the appropriate department's Vice President, Human Resources, and President before it can be implemented. Copies of approved Agreements must be filed with the Human Resources Department.

c. **Criteria for Evaluating and Approving a Telecommuting Agreement**

1) **Feasibility Criteria**

a) Telecommuting is appropriate only when both the abilities of the employee and the nature of the work to be done meet the minimum feasibility criteria set out below. Supervisors may establish additional criteria when determining whether an employee and the nature of work for the position are appropriate for telecommuting in their units.

(1) Employee Criteria.

Telecommuting is appropriate for employees who:

- have previously demonstrated their abilities to successfully organize, manage time, work independently and productively with minimal supervision, and have a satisfactory or above work performance history;
- have a thorough knowledge and understanding of their job functions and the equipment required to telecommute;
- have access to a remote work site that is safe and free from interruptions; and
- are able to provide the security necessary to protect any University equipment used at the site.

(2) Position Criteria.

Positions that may be considered for telecommuting are those that:

- have job functions that can be performed at a remote site without diminishing the quality of the work or disrupting the productivity of a unit;
- do not require an employee's presence at the regularly assigned place of employment on a daily or routine basis;
- allow for an employee to be as effectively supervised as he or she would be if the job functions were performed at the assigned place of employment;
- have an emphasis on the electronic production and/or exchange of information by means of computers, modems, fax machines or phones;
- involve measurable or quantifiable work product; and
- have minimal or flexible need for specialized materials or equipment available only at the regularly assigned work site.

Positions that are not suited to telecommuting are those that:

- require regular face-to-face contact with a supervisor, other employees, members of the University community, or the public, or
- require access to information or materials that are available only at the regularly assigned place of employment.

2) **Work Site Criteria**

a) Remote Work Site Requirements.

(1) Telecommuting employees shall have and maintain a healthy and safe environment at the remote worksite. A floor plan of the worksite area showing the location of the furniture, equipment, and electrical outlets shall be attached to the telecommuting agreement.

(2) Non-work related events and activities will not disrupt or interfere with work at the remote work site; scheduled work time will not be used to provide dependent care. Telecommuting is not a substitute for dependent child or eldercare.

- (3) The supervisor will visit the telecommuter's proposed remote work site to evaluate it prior to approving the Telecommuting Agreement and will require a photo of the workspace be attached to the Agreement.
    - (4) The University retains the right to make prearranged on-site inspections of the remote work site during scheduled work hours.
  - b) Regularly Assigned Place of Employment
    - (1) Telecommuting employees shall report to the regularly assigned place of employment as agreed upon with the supervisor, which in most cases should be no less than one time per week.
    - (2) The operational needs of the University take precedence over telecommuting agreements. A telecommuting employee, after being provided as much advance notice as possible, must report to work at the regularly assigned place of employment on a scheduled telecommuting day when required by the supervisor.
    - (3) The University will provide an adequate work area for telecommuting employees at their regularly assigned place of employment.
- 3) **Equipment and Supplies Criteria**
  - a) Any equipment, hardware, software and office supplies needed by an employee to telecommute from a remote work site shall be specifically identified and described. Using established procedures, University supervisors are authorized to approve expenditures including but not limited to, necessary hardware, office equipment (excluding furniture), software, communications (including charges for connecting telephone lines and long distance charges related to University business) and office supplies. The University will not reimburse the employee for any costs not pre-approved by the supervisor. The cost associated with any Internet connection may be reimbursed by the department with supervisory approval. For the purposes of this policy, only that hardware and software, including security and communications configurations, approved for telecommuting purposes by the Assistant Vice President of Technology Services may be purchased for and used by telecommuting employees while telecommuting under an agreement pursuant to this policy.
  - b) The University will not reimburse employees for out of pocket expenses for materials and supplies that are normally available at their regularly assigned workplace.
  - c) Only University approved and scanned software shall be used for connecting with the University's network from the remote worksite, and telecommuting employees shall run current anti-virus software at all times, and follow all University information security rules, IT policies, copyright laws and manufacturers' licensing agreements.
  - d) Only University provided CPU and disk storage shall be used for connecting with the University's network from the remote work site for telecommuting purposes. Use of this university provided equipment is restricted to the telecommuting employee only. It is a violation of this policy for the employee to modify or disable any security related aspect of the provided equipment without the advance written consent of the IT Security Office.
  - e) University equipment located at the remote work site is subject to all policies and restrictions related to use of state owned property. Telecommuting employees

are responsible for any equipment and software that is used at the remote worksite and shall accept financial responsibility for any equipment that is lost, stolen or damaged due to the employee's negligence, misuse or abuse. If the University supplies a phone line, the employee is expected to limit that line to University business. The University's property administration procedures, including Custody Receipt requirements, apply to University property at the remote location.

- f) In general, it is not expected that the University will provide fully equipped workstations for the employee. The employee must read and comply with the University's property administration procedures, including completion of required documents and information resource policies and procedures.

4) **Telecommuting Work Assignment Criteria**

- a) **Description of Work.** The general nature of the work to be performed by the telecommuting employee, as well as a typical work project or assignment, shall be described in the Agreement.
- b) **Reporting of Time.** Telecommuters will be required to maintain accurate time accounting documentation to support and substantiate their work hours and work products. They will be required to submit routine weekly time reports detailing hours worked and periodic status reports describing tasks performed and/or completed. Work time may not be used to provide dependent care or any other purpose other than official duties.
- c) **Supervisor Responsibility.** Supervisors are responsible for monitoring and verifying employee time and attendance.

5) **Performance Evaluation Criteria**

Each employee is required to have an annual performance evaluation. Consistent with University practices, each telecommuting employee is required to have a performance evaluation completed each year.

6) **Work Schedule and Communication Criteria**

- a) **Schedules.** Telecommuting does not alter the employees' work schedules. The specific work schedule of a telecommuting employee shall be agreed upon by the supervisor and employee and described in the Agreement.
- b) **Employee Availability**
  - (1) Telecommuting employees shall be as available for communication and contact during their scheduled work time as they would be if working at the regularly assigned place of employment.
  - (2) Telecommuting employees and their supervisors shall agree on how their communications shall be handled. During the agreed upon work schedule, it is expected that the telecommuting employee be available for contact by phone.
  - (3) In general, the telecommuter is expected to report to, and work at, his/her regular place of employment at least once per week.

7) **Timekeeping and Leave Criteria**

- a) **Timekeeping.** Telecommuting employees are required to submit regular weekly time reports as well as any other records related to work hours agreed upon with the supervisor. Departments shall maintain all time records for the employee.
  - (1) **Overtime.** Under the Federal Fair Labor Standards Act, non-exempt employees will be compensated for overtime that has been approved in advance by the supervisor in accordance with the provisions of the Act.

- (2) **State Compensatory Time.** The Texas Government Code, Chapter 659.018, prohibits a state employee from accruing state compensatory time for work performed at any location other than the employee's regular place of employment or assigned duty point. Under that law an employee's residence cannot be deemed to be an employee's regular place of employment or duty point and therefore, telecommuting employees will not receive state (equivalent) compensatory time while working at their residence.
  - (3) Employees employed in positions designated as exempt (E) in the Pay Plan are exempt from Web Time Entry and from Overtime regulations.
  - (4) Each administrative officer is accountable for the management and approval of complete and accurate records of hours for each employee under their charge. Neither an employee nor an administrative officer shall disregard or circumvent the recordkeeping of the HSCEP by instructing or permitting an employee to file incorrect hours through Web Time Entry or by any other means. Refer to HSCEP OP 70.06 for further directive on employee work hours.
- b) **Leave.** Pursuant to established HSCEP policies, employees must obtain supervisory approval before taking leave.
  - c) Each employee, unless specifically exempt, shall record actual hours worked through Web Time Entry or their assigned timekeeping system for each pay period during which any time is worked. The employee's supervisor will certify that the reported hours are correct.

#### 8) **Liability Criteria**

- a) **Injuries at Remote Work Site.** The University assumes no liability for injury at the remote work site to any other person who would not be in the work area if the duties were being performed at the regular place of employment. Injured telecommuting employees must notify their supervisor immediately and complete all requested documents regarding any injury. Workers' compensation benefits will apply to injuries arising out of and in the course of employment.
- b) **Damages to Personal Property and Operating Costs.** The University will not be liable for damages to employee-owned equipment resulting from telecommuting. The University will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities, telephone, insurance) associated with the use of the employee's residence for telecommuting, unless specifically provided otherwise in advance in writing by the department head and outlined in the Agreement.

#### 9) **Duration of Telecommuting Agreements**

Telecommuting Agreements may remain in effect for a maximum of twelve months, unless terminated in accordance with the procedures elsewhere in this policy. A new agreement must be completed at the beginning of each new fiscal year. These agreements do not constitute an employment contract and they do not create a property interest in employment.

#### 10) **Termination of Agreement**

- a) **Telecommuting Agreement Termination.** Telecommuting arrangements may be terminated by either the telecommuting employee or the University with ten (10) working days' written notice. The University reserves the option to terminate the Agreement without notice for any violation of policy.

- b) Return of University Property. When the Telecommuting Agreement is terminated, the employee must promptly return all notes, data, reference material, sketches, drawings, memoranda, reports, records, equipment, software, supplies, and any other University property in the employee's possession or control.
- c) Damaged or Lost Property. The University shall not be held responsible for costs, damages, or losses associated with the termination of the Telecommuting Agreement.

**For Assistance:** Questions regarding telecommuting should be directed to the Executive Director of Human Resources.

**5. RIGHT TO CHANGE POLICY:**

TTUHSCEP reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.